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CUSHMAN K. DAVIS

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56TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 230.

MEMORIAL ADDRESSES

ON THE

LIFE AND CHARACTER

OF

CUSHMAN KELLOGG DAVIS

(LATE A SENATOR FROM MINNESOTA),

DELIVERED IN THE

SENATE AND HOUSE OF REPRESENTATIVES,

FIFTY-SIXTH CONGRESS,
SECOND SESSION.

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Death of Hon. Cushman K. Davis.

Proceedings in the Senate.

December 3, 1900.

Mr. Nelson. Mr. President, it is my sad duty to announce to the Senate the death of my late colleague, Senator Cushman K. Davis, at his home in St. Paul, Minn., on the 27th of November last, at 9 o'clock in the evening, after a lingering illness of more than two months. In his death our nation has lost one of its foremost public servants and Minnesota one of the noblest and best of her sons.

On some future occasion I shall ask the Senate to set aside a day for the consideration of tributes to the memory of my deceased colleague. On this occasion I offer the resolutions which I send to the desk, and ask for their immediate consideration.

The President pro tempore. The resolutions submitted by the Senator from Minnesota will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. Cushman Kellogg Davis, late a Senator from the State of Minnesota.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The resolutions were considered by unanimous consent, and unanimously agreed to.

Mr. ALLISON. Mr. President, I offer an additional resolution, which I ask to have read and considered at this time.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Iowa will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased, Hon. John Henry Gear and Hon. CUSHMAN KELLOGG DAVIS, the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 3 o'clock and 46 minutes p. m.) the Senate adjourned until Tuesday, December 4, 1900, at 12 o'clock meridian.

DECEMBER 4, 1900.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, transmitted to the Senate resolutions on the death of Hon. CUSHMAN K. DAVIS, late a Senator from the State of Minnesota; Hon. John H. Gear, late a Senator from the State of Iowa; Hon. John H. Hoffecker, late a Representative from the State of Delaware, and Hon. William D. Daly, late a Representative from the State of New Jersey.

DECEMBER 15, 1900.

Mr. NELSON. Mr. President, I desire to give notice that on Saturday, the 12th day of January next, at the close of the routine morning business, I shall submit resolutions commemorative of the life and services of my late distinguished colleague, Senator DAVIS. I wish also to say that I shall ask the Senate at that time to suspend all other business for the purpose of paying tribute to his memory.

FEBRUARY 4, 1901.

A message from the House communicated to the Senate the resolutions of the House commemorative of the life and public services of Hon. CUSHMAN KELLOGG DAVIS, late a Senator from the State of Minnesota.

MEMORIAL ADDRESSES.

JANUARY 12, 1901.

The Chaplain, Rev. W. H. Milburn, D. D., offered the following prayer:

We bless Thee, our Father, that through the growing influence of Thy Son and of Thy Holy Spirit the sentiment of brotherly kindness among men has grown and is increasing, and finds itself with emphatic expression in this the highest political body of the nation. And now, as we come about the lately open grave of the late eminent senior Senator from Minnesota to pay the tribute of respect and affection to his memory, may all the best and noblest traits of his character come out, and may we respond to them with genuine and affectionate admiration and appreciation.

Let Thy blessing rest upon all the Senators, those who are detained at home by infirmity and indisposition, those who are here and to be present, and may this be a memorable day in the history of the Senate as it engraves the name and recollection of our departed friend and brother high among the statesmen of the nation. We humbly pray, through Jesus Christ, our Savior. Amen.

Mr. NELSON. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the resolutions.

The Secretary read the resolutions, as follows:

Resolved, That it is with deep regret and profound sorrow that the Senate hears the announcement of the death of Hon. CUSHMAN KELLOGG DAVIS, late a Senator from the State of Minnesota.

Resolved, That the Senate extends to his family and to the people of the State of Minnesota sincere condolence in their bereavement.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased and to the governor of the State of Minnesota a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect, at the conclusion of these exercises the Senate do adjourn.

Address of Mr. Nelson, of Minnesota.

Mr. President: Senator Cushman Kellogg Davis, of Minnesota, died in the sixty-third year of his age, at his home in St. Paul, on the 27th day of November, A. D. 1900, after a lingering sickness of more than two months. He died in the public service, in the full maturity of his great mental vigor, at a time when he was better equipped than ever to serve his country, and at a time when his country stood in need of his sound judgment, profound wisdom, and vast experience in public affairs.

He was born at Henderson, Jefferson County, N. Y., on the 16th day of June, A. D. 1838. On his maternal side he was a direct descendant of Mary Allerton, the last survivor of that heroic band that landed from the *Mayflower*, and his paternal ancestry was also of good Puritan stock. When he was 2 months old his parents moved to the neighborhood of Waukesha, Wis., where his father engaged in the pursuit of farming for the next fifteen years, during which period he led the usual life of a farmer's son on the farm.

He was an intellectual and highly-gifted youth, and his vigorous mental faculties were trained and developed in the district school, in Carroll College, and in Michigan University, from whence he graduated in 1857. He immediately thereafter took up and followed the study of the law, became a member of the Waukesha bar in 1859, and remained in active practice till 1862, when he entered the Army as first lieutenant of Company B, of the Twenty-eighth Wisconsin Regiment, in the civil war. He served with distinction in the Army until 1864, when, on account of poor health, he was compelled to resign.

In 1865 he moved to St. Paul, Minn., and took up the practice of the law, and soon became noted as one of the ablest, most prominent, and most eloquent members of the bar, with a large and lucrative practice.

He was a member of the legislature in 1867, United States attorney for Minnesota from 1868 until 1873, and governor of the State in 1874 and 1875. He was one of the regents of the State University from 1882 till 1898, and in 1887 was elected United States Senator, and reelected in 1893 and 1899. He was chairman of the Committee on Foreign Relations in the United States Senate from March, 1897, till his death, and was one of the commissioners who negotiated the treaty of Paris with Spain.

This, in brief, is the mere outer shell of his extensive public career, and gives us but a scant clew to his greatness and worth. To trace his life, the development of his vigorous mind, and its wonderful resources from youth to manhood, from a great lawyer to a profound statesman and leader, is to scan a human epic, marvelous and inspiring in its progress and grand and enduring in its results and outcome. He was equipped with a mind of the first order, eager, thirsty, and searching. In his youth he was a most ardent and omnivorous student, to whom his lessons were but the doorsteps to the great sanctuary of knowledge, which he was ever exploring. He became a devouring student of history, philosophy, and poetry at a time when most youths are tethered to their arithmetic, their grammar, and their geography. And so it came to pass that when he finally parted with his alma mater he carried away with him a much richer and a much greater wealth of human knowledge than that embraced in the college curriculum.

The trend of his mind and its comprehensive development

inevitably turned him to the legal profession, and it was in this field that he first made his mark and first scored his great victories. He was a most profound lawyer, who mastered the great fundamental principles of the law that govern human affairs, and he had the intuitive faculty to correctly apply these to the manifold transactions of an ever-expanding civilization. In practice he was always ready, and always a complete master of the evidence, the facts, and the law of his case, and his eloquence was of a character to instruct, impress, and convince both court and jury, and he was equally at home and equally strong both in a nisi prius and in an appellate court. I can truthfully bear witness to these facts, for it has been my privilege to contend with him at the bar and to hear him while I was sitting as one of the judges in a court of impeachment.

When he was first elected to the Senate he was easily and without dispute the foremost member of the bar in Minnesota. And though he was a most busy lawyer he never allowed the law to congeal the innate kindness of his noble and sympathetic heart. He was always kind and helpful to the young and struggling practitioner, and he never turned away a penniless client who had a meritorious case. He loved the profession, and he was beloved and admired by his associates, young and old. Few lawyers can point to a grander, a more successful, or a nobler career at the bar.

Though absorbed in his profession, and ever a busy lawyer, he nevertheless always kept in touch with public affairs, and was always ready to lead and to guide the impulse and heart of our people in their aspirations for relief and reform. I well remember, when in the early seventies there was a great uprising among the people of the Northwest against the exactions of the railroads, how he became the acknowledged leader

of the movement, and how, in his great speech entitled "Modern feudalism," he voiced in most eloquent and convincing terms the grievances complained of and the reforms desired by the masses of the people. That speech, which he delivered in many places, and his attitude on those great questions of public concern led him into the governor's chair, came near sending him to the United States Senate at that time, and forever endeared him to all our people, who from that day never ceased to have confidence in his integrity, his wisdom, and his honesty of purpose. While the movement which he thus led did not result in all the relief and reforms he and the masses hoped for, yet it resulted in establishing the fact, which had been in dispute, that railroad corporations are the servants of the public and are amenable to public control.

After one term in the executive chair he again resumed his calling as a lawyer with more success and greater vigor than ever before. And in the meanwhile, though not in office, he remained one of the acknowledged leaders of the Republican party in the State, and was always ready and active to battle for the cause and for the best interests of the people.

In 1887, in obedience to a universal and pressing demand of our people, the legislature elected him to the United States Senate. And he came here, in the maturity of his great power and vast experience, better equipped and better fitted for the great work before him than most men who enter the Senate. He came here in middle life, with a most vigorous mind, an accomplished lawyer, a profound student, and a learned scholar, well versed in public affairs. He at once became prominent and one of the leaders of the Senate, but it was not until he became chairman of the Committee on Foreign Relations and our controversy with Spain became acute that his true forum was found and his great abilities were given

that field of statesmanship and diplomacy for which he was so well gifted and equipped. In that place and in that field he was easily the first and our recognized leader and guide. No one was better versed than he in the diplomatic history of our country, and no one had studied more deeply and was more familiar than he with all the complicated and varied relations of our country with foreign nations.

His speeches and his reports on our relations with England, with Spain, on our war with Spain, and on the treaty of Paris were epics of wisdom and eloquence scarcely ever excelled. He exhausted and rendered clear and lucid the most profound and most intricate problems of diplomacy and statecraft. When he had spoken there was little, if anything, more to be said on the subject. While he seemed listless and indifferent to the mere routine work of the Senate, yet when great questions were at stake and great problems were to be solved he was always vigilant and always on the alert. He studied and passed upon public affairs, both at home and abroad, with the instinct and purpose of a statesman, and never in the spirit of a mere time-server or politician. His entire heart and his whole soul were wrapped up in his great work, and he was so absorbed by it that he seemed at times oblivious to all else. He was an orator of the highest and best type, clothing the most profound thoughts in the most choice and most chaste of rhetoric. His speeches, unlike most orators', were even more impressive, more captivating, and more convincing in the reading of them than in the delivery. In his case the hearing served to whet the appetite for the reading of his speeches, and the reader always discovered beauties of thought and diction that had escaped him in the delivery. His oratory was classic, but of a modern type, fraught with facts and arguments of the most convincing and exhausting character.

While his work at the bar and in the public service absorbed most of his time and attention, yet he always devoted a share of his time to the pursuit and study of literature and history. He was a profound Shakespearean scholar, thoroughly familiar with the life and all the works of that great genius. His book entitled "The Law in Shakespeare" shows how thoroughly he entered into the spirit and how fully he mastered and understood the broad and profound range of human knowledge and human wisdom possessed by that great high priest of tragedy, comedy, and song. He not only discovered the "law" in Shakespeare, but he also fathomed that profound analysis of the motives and mainsprings of human action so preeminent in the great poet.

He, himself of an heroic turn of mind, naturally and irresistibly became attracted to that most wonderful and most startling of modern heroes, Napoleon. He was one the most thorough and most profound students of the life, the mission, and the work of this great man—familiar with every phase of it so far as known to human vision. There was scarcely a book upon Napoleon, in English or in French, that he did not have in his library and had not read and mastered. The study of the life of the great hero in all its varied phases charmed him, chastened him, and buoyed his spirit in the somber and perplexing moments of his life. There are trying and tempestuous moments in the lives of men when the music of the hurricane is a solace, a relief, and a rest. To him Napoleon was the spirit in that mighty whirlwind that crushed the feudalism of ages and paved the way to the democracy of modern times. He dearly loved a good novel, not so much for the mere story as for the insight it afforded him of mental and moral evolutions, and especially for the great relief and rest it gave him from the study of the difficult and profound problems entailed upon him as a

lawyer, a legislator, and a statesman. Many a long and weary night, when he was too tired to sleep, he bathed his aching brows and found relief in Dickens, Thackeray, Bryant, Elliott, Cooper, Irving, Scott, and other great novelists. These were a sweet lullaby to his weary but restless spirit.

In the field of history he was a profound student and a great explorer, with a tenacious memory and a discriminating and analytic judgment. He was versed in the history of all the leading nations of ancient and modern times, and he was especially familiar with and at home in the history of our own country, of England, and of France. His great knowledge in this field was a supplement to his training as a lawyer, and it was because he was thus doubly equipped that he was so thorough, exhaustive, and effective in diplomacy and all that pertained to our foreign affairs.

The society that charmed him most and to which he was most devoted was the fine and extensive collection of books in his own library. Here he felt thoroughly at home and was never lonesome. His books were a part of his life, and his dear associates. Here, more than anywhere else, he loved to meet his friends, to converse with them on literature, history, and affairs of state, and to introduce them to his mute companions. Here he seemed possessed of an inspiration that made him more charming and nearer and dearer to his friends than anywhere else. It was his holy of holies, sacred to him, and, because of that fact, sacred to those who communed with him there.

His patriotism was of the loftiest and purest kind. He loved his country, not as a heathen loves his idol, but as a parent loves his child. He loved his country because it is noble and just, and because it is the home of liberty, tempered with law, wholesome, blessed, and untarnished. He abhorred all show

and sham, and scorned all posing and display. There was nothing trifling nor fictitious in his nature. He was sincere, conscientious, and fearless, both in private and public life, and while he was most kind and approachable to all, yet he was choice and deliberate in his friendships. He looked for loyalty and good faith, and once assured of that he yielded his whole heart and his whole soul, under all emergencies, to his friends. To me he was on all occasions most kind and helpful.

I feel his loss most deeply. His death has left a void in my heart which none can fill. We all miss him in the Senate—miss him for his goodness, kindness, and great worth; miss him for his wisdom, his eloquence, and noble example. His death was a great bereavement, not only to his friends and his associates, but to the entire country. There are some gaps in the line of battle that can be easily filled, but that gap in the line of battle he held when he passed away no one can fill as completely and as truly as he did. No public man had a warmer place in the hearts of the people than he had. I have never seen a larger funeral than his. It was attended in large numbers by young and old, in all walks of life, from all parts of the State. They came in no perfunctory mood, but in a spirit of heaviness, grief, and sorrow, as though each had been bereaved of his dearest and most beloved of friends. There were many beautiful flowers placed as tokens of grief and affection over his remains, but the most impressive and most inspiring tokens were the silent tears that trickled on the cheeks of so many sad faces on that day. His mortal remains have been laid away in their final resting place, but the spirit of his life, his mission, and the great work he wrought will remain with us as a token, as an example, and as an inspiration for all time to come.

When can his glory fade?
Oh, the brave charge he made.

Address of Mr. Hoar, of Massachusetts.

Mr. President: There is no Senator who would not be glad to lay a wreath of honor and affection on the monument of Cushman K. Davis. That, however, is more especially the right of his colleague and his successor and the members of the great committee where he won so much of his fame. I ought to say but a few words.

The Senate, as its name implies, has been from the beginning, with few exceptions, an assembly of old men. In the course of nature many of its members die in office. That has been true of thirty-eight Senators since I came to the Capitol. Others, a yet larger number, die soon after they leave office. Of the men with whom I have served in this Chamber fifty-eight more are now dead, making in all ninety-six, enough and to spare to organize another Senate elsewhere. To that number has been added every Vice-President but two. Upon those who have died in office eulogies have been pronounced in this Chamber and in the House. The speakers have obeyed the rule demanded by the decencies of funeral occasions—nil de mortuis nisi bonum—if not the command born of a tenderer pity for human frailty—jam parce sepulto. But in general, with scarcely an exception, the portraitures have been true and faithful. They prove that the people of the American States, speaking through their legislative assemblies, are not likely to select men to represent them in this august assembly who are lacking in high qualities either of intellect or of character. However that may be, it is surely true of Mr. Davis that whatever has been or will be said of him to-day, or was said of him when the news of his death first shocked the country, is just

what would have been said when he was alive by any man who knew him. I have served with him here nearly fourteen years. I have agreed with him and I have differed from him in regard to matters of great pith and moment which deeply stirred the feelings of the people, as they did mine, and doubtless did his own. I never heard any man speak of him but with respect and kindness.

Of course, Mr. President, in this great century which is just over, when our Republic—this infant Hercules—has been growing from its cradle to its still youthful manhood, the greatest place for a live man has been that of a soldier in time of war and that of a statesman in time of peace. CUSHMAN K. DAVIS was both. He did a man's full duty in both. No man values more than I do the function of the man of letters. No man reveres more than I do the man of genius who in a loving and reverent way writes the history of a great people, or the poet from whose lyre comes the inspiration which induces heroic action in war and peace. But I do not admit that the title of the historian or that of the poet to the gratitude and affection of mankind is greater than that of the soldier who saves nations, or that of the statesman who creates or preserves them, or who makes them great. I have no patience when I read that famous speech of Gladstone, he and Tennyson being together on a journey, when he modestly puts Mr. Tennyson's title to the gratitude of mankind far above his own. Gladstone, then prime minister, declared that Tennyson would be remembered long after he was forgotten. That may be true. But whether a man be remembered or whether he be forgotten; whether his work be appreciated or no; whether his work be known or unknown at the time it is accomplished, is not the test of its greatness or its value to mankind. The man who keeps this moral being, or helps to keep this moral being we

call a State in the paths of justice and righteousness and happiness, the direct effect of whose action is felt in the comfort and happiness and moral life of millions upon millions of human lives, who opens and constructs great highways of commerce, who makes schools and universities not only possible but plenty, who brings to pass great policies that allure men from misery, and poverty, and oppression, and serfdom in one world, to free, contented, happy, prosperous homes in another, is a great benefactor to mankind, whether his work be accomplished with sounding of trumpets, or stamping of feet, or clapping of hands, or the roar and tumult of popular applause, or whether it be done in the silence of some committee room, and no man know it but by its results.

I am not ready to admit that even Shakespeare worked on a higher plane, or was a greater power on earth, than King Alfred or George Washington, even if it be that he will survive them both in the memory of man. The name of every man but one who fought with Leonidas at Thermopylæ is forgotten. But is Æschylus greater than Leonidas, or Miltiades, or Themistocles? The literature of Athens preserves to immortality the fame of its great authors. But it was Solon, and Pericles, and Miltiades that created and saved and made great the city, without which the poets could not have existed. Mr. Tennyson himself came nearer the truth than his friend, Mr. Gladstone, when he said:

> He
> That, through the channels of the state,
> Conveys the people's wish, is great;
> His name is pure; his fame is free.

There have been soldiers whose courage saved the day in great decisive battles when the fate of nations hung in the scale, yet whose most enduring monument was the column of smoke which rose when their death shot was fired. There

have been statesmen whose silent influence has decided the issue when the country was at the parting of the ways, of whose service history takes no heed. The great Ohio Territory, now six imperial States, was twice saved to freedom by the almost unnoticed action of a single man. With all respect for the man of letters, we are not yet quite ready to admit that the trumpeter is better than the soldier, or the painter greater than the lion.

There is no need of many words to sum up the life and character of CUSHMAN DAVIS. His life was in the daylight. Minnesota knew him. His country knew him and loved him. He was a good soldier in his youth, and a great Senator in his maturer manhood. What can be said more, or what can be said better, to sum up the life of an American citizen? He offered his life for his country when life was all before him, and his State and his country rewarded him with their highest honor. The great orator and philosopher of Rome declared in his youth, and repeated in his age, that death could not come prematurely to a man who had been consul. This man surely might be accounted ready to die. He had discharged honorably life's highest duty, and his cup of honor and of glory was full.

We are thinking to-day of something more than a public sorrow. We are mourning the loss of a close and delightful companionship, a companionship which lightened public care and gave infinite pleasure to private intercouse. If he had never held office, if his name had never been heard even beyond the boundaries of a single municipality, he would have been almost anywhere a favorite and foremost citizen. He was, in the first place, always a gentleman, and a true gentleman always gives tone to any company in which he is found, whether it be among the rulers of States or the humblest

gathering of friendly neighbors. Lord Erskine said on a great occasion:

> It is impossible to define in terms the proper feelings of a gentleman; but their existence has supported this country for many ages, and she might perish if they were lost.

Certainly our friend had this quality. He was everywhere a gentleman. He met every occasion in life with a simple and quiet courtesy. There was not much of deference in it. There was no yielding or supplication or timidity in it. I do not think he ever asked favors, though no man was more willing to grant them. But there is something more than this in the temper of which I am speaking. The man who possesses it gives unconsciously to himself or to his associates tone to every circle, as I just said, in which he is found. So, wherever he was, his manner of behavior prevailed, whatever might have happened to the same men if they had been left alone.

Senator DAVIS was a man who kept well his own counsel. He was a man to whom it was safe for other men to trust their counsel. His conversation, to which it was always a delight to listen, had no gossip in it. Still less had it ever anything of ill nature or sarcasm. He liked to share with a friend the pleasure he took in finding some flower or gem of literature which, for long ages till he found it in some out-of-the-way nook, had—

> Blushed unseen,
> And wasted its sweetness on the desert air.

He had what Jeremy Taylor calls "the great endearment of prudent and temperate speech."

His conversation was sparkling and witty and full of variety, but no spark from him was ever a cinder in the eye of his friend.

He had a learning rare among public men, and, for its

variety, rare, I think, among scholars. He would bring out bits of history, full of interest and instruction, from the most obscure sources, in common conversation. He was an excellent Latin scholar. He had read and mastered Tacitus, and a man who has mastered Tacitus has had the best gymnastic training of the intellect, both in vigor and style, which the resources of all literature can supply.

One secret of his great popularity with his companions here—a popularity I think unexcelled; indeed, I incline to think unequaled by that of any other man with whom I have served—is that to which the late Justin Morrill owed so much. He never debated. He rarely answered other men's arguments, never with warmth or heat. But he was exceedingly tenacious of his own opinion. He was, in the things he stood for, as unyielding as flint and true as steel. But his flint or steel never struck out a spark by collision with any other. He spoke very rarely in debate in general; only when his official place on his committee, or something which concerned his own constituents especially, made speaking absolutely imperative. Then he gave his opinion as a judge gives it, or as a delegate to some great international council might be supposed to give it; responsible for it himself, but undertaking no responsibility for other men's opinion or conduct; never assuming that it was his duty or within his power to convert, or change, or instruct them, still less to chastise them. Whether that way be the best way for usefulness in a deliberative body, especially in a legislative body of a great popular government, I will not undertake now to say. Certainly it is not the common way here or elsewhere. It is very rare, indeed, that any man possessing the great literary and oratorical power of Mr. Davis, especially a man to whom nobody ever thought of imputing timidity or undue desire to enjoy public favor, or want of absolute

confidence in his own opinions, will be found to refrain from employing these qualities to persuade or convince other men.

He had a rare and exquisite gift which, if he had been a man of letters and not a man engaged in a strenuous public life, would have brought him great fame. Once in a while he said something in private, and more rarely, though once or twice, in a public speech, which reminded you of the delicate touch of Hawthorne. His likening President Cleveland and Mr. Blount, looking upon the late royalty of the Sandwich Islands with so much seriousness, to Don Quixote and Sancho Panza taking in great earnest the spectacle of a theatrical representation at a country fair and eager to rescue the distressed damsel, was one of the most exquisite felicities of the literature of the Senate.

He had great pride in his ancestry, and was a great lover of the history of New England and Plymouth, from which they came, though he never gave himself airs on account of it. He was a descendant of Robert Cushman, the preacher of the Pilgrims, whose service was in a thousand ways of such value to the little colony at Plymouth. Yet it had never happened to him to visit the scenes with which the feet of his ancestors had been so familiar, until a few years ago he did me the honor to be my guest in Massachusetts, and spent a few days in visiting her historic places. He gazed upon Boston and Plymouth and Concord reverently as ever Moslem gazed upon Mecca or the feet of palmer stood by the holy sepulcher. That week to him was crowded with a delight with which few other hours in his life could compare. I had hoped that it might be my fortune and his that he might visit Massachusetts again, that her people might gather in her cities to do him honor, and might learn to know him better, and might listen to the sincere eloquence of his voice. But it was ordered otherwise.

There are other things his country had hoped for him. She had hoped a longer and higher service, perhaps the highest service of all. But the fatal and inexorable shaft has stricken him down in the full vigor of a yet strenuous manhood. The great transactions in which he had borne so large a part still remain incomplete and their event is still uncertain.

There is a painting which a great Italian master left unfinished. The work was taken up and completed by a disciple. The finished picture bears this inscription: "What Titian left unfinished Palma reverently completed and dedicated to God." So may our beloved Republic find always, when one servant leaves his work unfinished, another who will take it up and dedicate it to the country and to God.

Address of Mr. Morgan, of Alabama.

Mr. President: If the purpose of these obsequies was only to eulogize the friend who so well deserved the esteem of his colleagues and so moved the Senate at all times with regard and affection for his generous and amiable traits, I would accomplish my part of this melancholy duty by repeating in your hearing the simple call of recognition, "The Senator from Minnesota," which never failed to attract the attention of the Senate or to give us pleasure.

If Cushman K. Davis were here to-day to receive that recognition from the Chair, in this important time of serious counsel and debate, the Senate would feel stronger and safer in forming the new lines of public policy and duty upon which we must enter, so that we shall not fall short of the demands that have fallen upon us to try the strength of our courage, our fidelity to our country, and our confidence in the plan and principles of republican government.

His absence from the Senate is keenly felt at this time because the conditions for which we are now engaged in providing were, in a large part, created by measures in which he had a leading influence.

It is, perhaps, as just a tribute to his abilities and acquirements as could be stated to say of him that he was fully equipped for the questions that have arisen from the war with Spain, questions that are new to us and now excite anxious inquiry.

The Senator from Minnesota always remembered the dignity, honor, and restraining influence of that high official title.

It has a singular place of distinguished honor among the titles that have been bestowed by governments upon public

servants who have been intrusted with powers of great magnitude.

The Roman senators, with all their power and glory, and the French senators for life, in the wide scope of their power and influence, have not been representatives of great sovereignties in a grand council of States, such as the Senate of the United States, which sits as a high court of final jurisdiction on all questions of impeachment, and is coordinate with the Chief Executive in the treaty-making power, and has a voice that can not be stifled in the enactment of all the laws for the government of this grand Union of equal States.

The history of the American Senate includes in its list of Senators who have passed away many illustrious names that are not darkened by comparison with any lawmakers who have ever lived.

But it is not the illustrious men who have occupied this great forum that have given to the Senate its real or entire value in the estimation of the world. That estimate is due to the character of the labors of the great body of Americans who have held commissions in this high council of sovereign States, which opened with the establishment of the Government of the United States and has continued in uninterrupted organization, without one moment of interregnum.

The Senate is the only permanent controlling body in the Government of the United States. There is always a quorum of qualified Senators in commission, and the transfer of the executive power from the hands of one President to another, and of the political power from one Congress to another, by elections, has no effect upon the Senate to suspend its powers under the Constitution, but only in some cases to suspend their full exercise, to await the concurrent action of other departments of the Government.

In this sense the Senate is the custodian of the vital and continuing power of the Federal Republic, while the States, as perfect civil governments, are the repositories of the sovereignty of the people.

In this great function the Senate is endowed by the Constitution with a power and majesty that no other tribunal has ever worn, and in comparison with which the mythical power derived from a strain of royal blood or the prerogatives of an imperial scepter are only a deceptive refuge of nations that have no faith in themselves. The Senator who appreciates the honor of a commission in this body, and is sensible of the duties it enjoins and of the wide opportunity it offers for bestowing blessings on his country and the world, will sedately reckon with himself upon the fitness of his conduct and the pure impartiality and justice of his utterances and his votes upon all occasions and with reference to all questions that arise. He will not set his personal success, or renown, as a star in the heaven of his ambitious aspirations, to which he will direct the course of his journey. He will be content to do the duty that falls to him faithfully, according to his ability, and leave the reward, that never fails, to the judgment of his colleagues and the approval of the people.

Of the many great and worthy men who have held commissions in the Senate only a few have reached the zenith of fame.

When we turn over the leaves of our statute books and examine the vast number of laws whose real authors are forgotten, and see the care and wisdom bestowed in their enactment and the history they record, and the strength, harmony, and justice of this wonderful system of statutory jurisprudence, we bow with reverence to the memory of these great but silent artificers of a true and noble temple of justice, in which wisdom, truth, and virtue preside. The stars differ

in magnitude, but every star that is set in the firmament adds its ineffable light to the heavens, though no human hand can place them in their true position on a map.

Mr. DAVIS won a high place in the Senatorial galaxy, which is distinctly marked with the imperishable legend of "plain duty honestly performed with laborious care," and is crowned with the light of brilliant endowments.

He left nothing to chance and never omitted to dig the foundations of his structures to what he believed was the solid rock of truth. He was among the toilers of the Senate to whose industry in research the country owes a safe deliverance from many unseen dangers and an honest debt of gratitude. We are paying only a part of that debt in these obsequies. The people will pay the balance in ample rewards of fame.

A standard has been established by the growth of opinion in the Senate and the country, the advanced line of which is at least as high as any nation has established for the highest rank in statesmanship and forensic eloquence. Three great Senators have occupied that line without dissent, and others who have passed away are noted by our country for places on that line.

It is not expected that any will surpass Clay, Webster, and Calhoun, and it is not within the scope of the true Senatorial aspiration to reach sublimer heights than these immortals occupy, but their example stands as an invitation to all who fully value the honor, and dutifully toil to reach this supreme distinction to which they have attained.

This door is closed to any man whose motive is mere self-assertion, and who prefers notoriety to renown. The brilliant Senator, whose early death we deplore, may have had very high aspirations, for he had great abilities, but he sought his honors through toil, fidelity, and holy love of his native land.

Perhaps his strongest sentiment, with reference to his conduct as a Senator, was a dutiful regard for the dignity and reputation of this great tribunal. He sank himself in his character of Senator.

In his associations in the Senate and on committees his deference to the rights and opinions of his colleagues was sincere, courteous, and graceful. I do not recall an incident in all his career in which he was discourteous or brusque toward an opponent. Not that he avoided any stress of earnest contention in debate, nor that he yielded his convictions to the opposing views of anyone, however highly thought of as authority, but because he felt that the freedom of discussions, which he always approved, is an illusion when it is cramped by the weight of high authority and is sometimes destroyed by the use of epithets, censoriousness, irritating criticism, and grosser forms of detraction.

Mr. DAVIS never so far forgot the high office he held as to use his powers, which were ample, as a learned and able man, to force an opponent to the wall or to subject him to ridicule. When a Senator is thus assailed, if he is in the line of duty, the blow falls upon a sovereign State. Such a blow he would never wantonly inflict.

When he was placed at the head of the Committee on Foreign Relations he reached a field of opportunity in which his abilities would find their highest development in the service of the country.

He was a careful and deeply interested student of the history of our diplomatic relations with foreign countries. His tastes for eloquent literature and his legal acumen in the analysis of statutes and treaties, worded with the highest skill to cover or else to leave open debatable ground, led him into profound studies of the history and art of diplomacy.

He took a proud interest in the history of the single century of American diplomatic correspondence, and traced with enthusiasm the ground over which our infant Republic led the ancient empires of the earth as a pioneer in new lines of progress that led, without faltering, up to the highest planes of Christian civilization that have yet been occupied.

When he took that chairmanship he had unusual wealth of preparation for the discharge of its duties, and he soon made a record of such high value in his reports that the Senate relied upon his judgment and accepted his advice with unusual confidence. While he was chairman of that committee he was invited by the President of the United States, in company with two of his Senatorial colleagues and other distinguished persons, to negotiate a treaty of peace with Spain.

I will not attempt to present the history of that remarkable negotiation, in which the highest skill and learning were employed, and the most anxious and trying appeals to international forbearance and sensibility were addressed to our commissioners. It was not an effort to repress the wrath of contending nations, verging to the point of armed collision, but the demanding of justice for the stronger, at the close of an armistice that followed the most sudden and complete overthrow of sovereign power in lost possessions that had occurred in modern times.

The proud Empire that had held all Europe obedient to her pleasure and other continents and archipelagoes as feudatories was yielding her last possessions in the East and West Indies to a Republic that was younger by a century than any vice-royalty she had established in the Western Hemisphere. This advance from despotism to liberty was on the ground of her inability to do the justice to her dependencies that is required by the advance in human liberty now demanded by the code and creed

of all Christendom, and the United States were constrained to lead it.

It was an occasion to move the sympathies of the European nations to their greatest depths, and they looked on with scrutinizing jealousy while the diplomatic contest continued at Paris.

In that noble body of American commissioners Mr. DAVIS was conspicuous for his learning, his tact, and his fearless advocacy of the right. It was a contest so notable that it will stand for a high precedent in later ages, and so satisfactory in the argument and the results that it has silenced criticism and has excited the admiration and invoked the good will of all the nations.

It was a task of self-denial that was never before presented to a conquering power—that we claim nothing for war indemnity, while paying for all the public property surrendered, and for all the devastations of a long civil war that Spain had inflicted upon our own people.

This task was assumed and this expenditure of more than $200,000,000 was made for no other reason—besides the preservation of our domestic peace—than to give the people of the Spanish islands the relief from despotism that can only be found in a government republican in form, one of whose cardinal principles is the divorce of church and state.

This great task was assumed by our commissioners in the treaty of Paris, and we are now engaged in working it out by the repression of a rebellious oligarchy among some of the people whom we undertook to redeem from the iron heel of the Spanish Empire.

Then, as now, the motive is the same, the high resolve is unchanged, and the decree is final, that the spirit of republican constitutional liberty, which has driven out monarchy,

will also expel the curse of political brigandage and of sectarian and class rule from these islands, thereby providing that the people shall, indeed, be free and self-governing.

Doubtless this was the triumph that the noble American Senator had hoped to share with his colleagues in the accomplishment of this work that caused him to express, with tears, on his dying bed the pathetic words: "Oh, that I could live for three years to serve my country!"

He did not live, but "his works do follow him."

Two great and novel alternatives were presented to our commissioners in the negotiations at Paris as to Porto Rico and the Philippines, alike. They were whether we should annex those islands or whether we should abandon them to Spain.

The choice of annexation was inevitable, yet it was a great trial. Spain claimed the Philippines with the anxiety of a lion deprived of its prey, and we resisted that claim with the firmness that had already inscribed on our banners "Deliverance to the oppressed."

On that commission and afterwards in the Senate Mr. DAVIS and his Senatorial colleagues stood by this great purpose, and it became the supreme law of the land.

The fame that is thus interwoven with these events will grow brighter as time grows longer and nations grow greater and divine truth spreads its dominion over the nations now in darkness. That it taxes us with new duties that may be perilous is the just result and the honorable compensation, the true recompense of reward, for the wonderful increase of power that has been almost suddenly bestowed upon us.

"To whomsoever much is given, of him shall much be required," is as true of nations as it is of men.

The treaty of Paris places upon this Republic its first crucial test, its real trial of strength. In war we won our

liberties from the proudest nation in the world. In war we settled a new basis of those liberties upon broader foundations. In war we have expanded our territories half around the world and have defended the freedom of religion in the heart of pagan China. In war we have prospered as no other nation has prospered, even in peace. Yet our mission is peace; our people love peace, and in all our wars we have only conquered peace for our own country and our own people, until the treaty of Paris made us the almoners of this blessing to other oppressed people. The real burden that this great trust imposes upon our Republic in the treaty of Paris is to provide peace and prosperity to the people that it incorporated with the people of the United States.

Mr. DAVIS assumed his share of this national duty with alacrity and without any misgivings as to the future. He felt the common impulse of the American people, that obedience to duty will not permit us to shrink from this noble task. It has required war, which vicious combinations may protract; but a war that ends in firmly established peace and secures constitutional liberty and the freedom of religion to the people realizes the highest duty of Christian benevolence. Rich argosies, ladened with the wealth of the earth and the oceans, will come and go between the East and the West, and the breath of peace will fill their ample sails.

The nations that were strangers and enemies will become neighbors, and friendship will unite them in fellowship as they exchange the bounties of all productive industry.

In their memories honored names will be familiar as the friends of humanity.

Among these none will be more beloved than our commissioners who concluded the treaty of Paris, and among these no name will be revered above that of CUSHMAN K. DAVIS.

Address of Mr. Clark, of Wyoming.

Mr. President: Truly there is "a prince and a great man fallen this day in Israel."

When the news was flashed along the wires that Cushman K. Davis had reached the end of his earthly labors and had entered into God's rest, we could hardly realize that our honored and beloved colleague had passed forever from our mortal fellowship. In the meridian of his life, in the full enjoyment of his wonderful mental faculties, at a time when his country so greatly needed his services, it seemed that "his sun had set while it was yet day." His passing seemed so premature that it was difficult for us to believe, as we had been taught, that "the judgments of the Lord are true and righteous altogether."

The life of Cushman K. Davis, Mr. President, from young manhood to the end, is strongly interwoven with the history of his State and nation. Reared and educated in the new West, he early acquired that breadth of mind and honesty of purpose which are so often produced in a virgin country, and he escaped the narrowing influences and real provincialism that often are found in older communities and more densely settled sections. To his naturally elastic mind his earlier environments gave an ever broadening horizon. It was most natural that he should, in the time of his country's peril, offer himself as a defender of her integrity, for he had a sublime belief in the great American Republic; and this confidence in his nation and her future increased from year to year until his death. It is no wonder that in war he should have served her with gallantry and distinction. It was his nature, and he could not have done otherwise. From youth to death his highest ambition was for the honor, the integrity, and the glory of his country.

Mr. President, my first acquaintance with Senator DAVIS dates back but for a decade, but at the very threshold of our acquaintance I was struck, as all of us must have been, with his wonderful fund of information, political and general, his accuracy of mind and statement, his grasp upon great questions of state, and his unbending and unyielding Americanism. He was one of the gentlest and most unassuming of men, tolerant of the opinion of others and yet confident in his own judgment. Day by day compelled to meet and grapple with the difficult and knotty problems of the present, almost his sole recreation was in delving into the history, the philosophy, and the romance of the past. He was a master of ancient as well as of modern literature. To sit at his fireside, political life and legal problems being brushed for the time aside, and to hear from his lips the gathered treasures of his reading was of itself a liberal education; quiet and modest, assuming nothing to himself, I think it will be the opinion of all that no member of this body had a greater fund of general information than he. A student in the true sense of the term, nothing seemed to escape his observation and inquiry.

Of his career at the bar I shall say nothing, except to observe that none in all the great Northwest was more honored and successful than he. He loved his chosen profession, and she richly rewarded his devotion. From the trial court to that of last resort he deserved and received the highest respect, not only for his great legal attainments, but for his unswerving honesty of purpose as well, and this esteem and respect of bench and bar is a far higher reward to the true lawyer than money, emoluments, and fees, no matter how high they may be heaped. But it is of his work as Senator during the last three years I desire especially at this time to speak. During that time he has been chairman of the great Committee on

Foreign Relations of this Senate, and he gave to the affairs and duties of that committee his unremitting attention and labors. It will never be told or known how closely his duties pressed upon him, but the country well knows and will always enjoy the fruits of his careful and continual labors. He was a Senator whose voice was too seldom heard in this Chamber, and yet he was a master of constitutional and international law. We who listened to his great speech in executive session on the war resolution of 1898 and the report accompanying it will never forget it, and a great regret ever since has been that, because of the peculiar rules and procedure of this body, such a clear exposition, both as to law and fact, of that great question with which this nation then had to deal should have been lost to the country.

As chairman of his committee his work was continuous, eager, and efficient. I do not think it too much to say that in all the deliberations of that committee during the past three years, in all the important and delicate questions arising, he was not only the chairman, but the guiding spirit. His intense Americanism, his patriotism, his belief in his country, were always to the fore and seemed a propelling force, not only of that committee, but of this Senate, as well in the troublesome days from the beginning of the Spanish war until its close. His work as a member of the peace commission at Paris was a fitting close to his labors during the war. He and his distinguished colleagues taught the world a new diplomacy and proved its strength—the diplomacy unknown before that war, a diplomacy of honest, open, frank, and truthful statement; and the result of their labors placed our nation, in the eyes of the world, where she rightfully belonged—in the van of nations.

Mr. President, I regret that I am unable to do justice to the life and services of Senator DAVIS. What I have said has been

because of my love for him and of my admiration and appreciation of his public services. England's cynic poet said, in speaking of eulogies and epitaphs:

> When all is done, upon the tomb is seen,
> Not what he was, but what he should have been.

Such is not the truth with respect to our tributes to our departed friend, because in his ardent love of country, his devotion to public duty, his services in this body, what he should have been that he was. He quietly rests in his beautiful home city, the lamented son of his State and the Republic he loved. He gloried in his nation's past, and he looked forward with hope and confidence to her future. May his hope be justified, and may he rest in peace.

Address of Mr. Lodge, of Massachusetts.

Mr. President: "Death," said one of the wisest of men, "hath this also: That it openeth the gate to good fame, and extinguisheth envy." Bacon, I conceive, meant more by envy than the mere jealousy of one man toward another. He intended, we may suppose, that general lack of just appreciation from which every man of distinction, especially in public service, often suffers in his lifetime. And he rightly says that death openeth the gate to good fame, which is but another way of declaring that it is the first attempt to do justice to a man's career and services. It is a common error that eulogies, especially those spoken in the freshness of grief, are necessarily as little to be believed as the epitaph held by Lord Byron to be typical of falsehood. This error springs from another equally common, that criticism means fault-finding, whereas true criticism, which alone is of value, consists quite as much in pointing out beauties as in enumerating defects. Therefore it follows that the eulogy fulfills the kindly function of criticism, the other having been already amply performed during the lifetime of him whose virtues are celebrated in a funeral oration. Thus the balance is made even, and in the two combined, history, looking down long hence with calm and patient eyes, will find the man and do him justice. If, in the first burst of sorrow, eulogy is overstrained, history can be trusted to set it right. At the worst, excess of praise is a good fault, for the chances are very great that the living man in his public life got less praise than he was entitled to and far more of misunderstanding than anyone deserves. Even if he did not endure in his public service the worst forms of calumny and detraction, he is certain to have suffered by comparisons made with a past

which never existed, whose trailing clouds of glory are often conjured up by the envy of which Bacon speaks in order to make the living man of the moment look small and earthy. So it may be said that men act wisely to speak well of the newly dead, for thereby they do more than testify to their sorrow, inasmuch as they in some degree help to set the balance straight, and thus give their mite toward the advancement of the final truth.

I have been moved to make these imperfect suggestions because as I have thought of Senator DAVIS, whose untimely death has brought so much sorrow to those who knew him, I have felt that he was a man who failed to receive in life a full appreciation. I do not mean by this that he was not amply honored, admired, and beloved by the great State which sent him here, or that he failed of understanding and appreciation in this Chamber, where his best work was done. Still less would I suggest that he did not receive, in due measure, the recognition which is witnessed by election to great public place, for I have known no one who held the office of Senator more highly than he, or who had a more exalted conception of the dignity and power of the Senate. Least of all do I mean that he suffered peculiarly from unfair criticism and ignoble aspersion of motive or conduct. On the contrary, I should think that he was exceptionally fortunate in these respects, and had it been otherwise, he was a man who knew that life was a battle, who did not fear blows, and who never complained or whimpered over the chances of war. When I say that he did not receive in his lifetime a just and full appreciation, in proportion to his ability and his achievement, I mean that he did not receive it from the country at large, and I say this because I know both the achievement and the ability and rate them very highly.

Others here and elsewhere will trace his career and tell of the offices he held and the honors he won far better than I could hope to do. Of his more intimate and personal qualities as a friend and an associate I shall not trust myself to speak. I desire only to explain why I think he was not fully appreciated as a public man and why I rate so highly his achievement. The first question is easily answered. Senator DAVIS lacked his due meed of appreciation in life for two reasons, one general and one particular. He suffered from the conventional tendency to belittle men of the present because they can not, without thought and trouble, be brought for judgment into proper perspective with the past and because there are many minds to which the belittling process is agreeable. He also suffered from a defect in himself. In an age when the art of advertisement of both men and wares has been carried to the highest pitch of noise and color he had neither the desire nor the faculty of advertising himself, either by lusty shouting or by stealthy suggestion. He was essentially modest, and shrank from even speaking in public except when it was a duty or a necessity.

A proper estimate of his ability and his achievement can not be so briefly given and supported as the explanation of their imperfect recognition. Indeed, it is not easy to analyze mind and character within the limits which this occasion requires. Yet, without an attempt, at least, in this direction I should fail entirely in what I most wish to say.

My friendship with Senator DAVIS began when I entered the Senate, nearly eight years ago. I soon came to know him well, and the knowledge bred affection, for he was a very lovable man, a loyal friend, a delightful companion, full of humor, sense, and originality. Our views on the public matters upon which we were engaged were usually in accord, and we had

many other subjects upon which we sympathized, so that I came to pass many hours in his company and to talk with him about many topics.

I desire to speak of him now in the two aspects from which I learned to know best his unusual mental powers and one of which will give him place in the history of our time. I wish to speak of him as a statesman and man of letters—high titles, indeed, but he deserved them both.

First, then, as a man of letters. He was not a writer of books. A life given to war, to the law, and to politics left him no opportunity to enter upon a field where I am sure he might have won a distinction which he would have valued above all others. A lecture upon Hamlet, an address upon Madame Roland, a little volume upon the Law of Shakespeare, was all that he found time for in this direction. It is also true that he made no pretense to profound scholarship, to which, indeed, no man can lay claim unless he has devoted his life to its pursuit. Yet was he none the less a man of letters—was so by his wide reading, his cultivation, and his love of learning for its own sake. He had received a liberal education in the days when those words meant simply a classical education, and, what is far more uncommon, he had retained its teachings. I do not know whether he had kept up his Greek or not, but he never let go his Latin; and after leaving college he had taught himself French and Italian so that he read both with absolute ease and fluency—no small feat to be performed by a boy who went from the college to the camp and then fought his way up at the bar and in politics amid the sharp competition of a young and growing State. I remember a summer afternoon, when the Senate was engaged in one of those contests where physical persistence counted more than intelligence, passing by his desk and seeing there two books lying open face down with which he had been

beguiling what, without impropriety, I may call the tedium of the occasion. I had the curiosity and took the liberty to look at the books in order to see what they were. One was an Italian work on international law; the other was Juvenal. As I put them down I wondered how many of the glib writers, or of the superior persons who in paragraph and speech utter the conventional sneer about the ignorance of American Senators and Congressmen, would wear away hot and weary hours by reading for instruction an Italian law book, and for pleasure the fierce and virile verses of the great Roman satirist. And be it remembered it was all done for love and not for show, for I never knew a man of equal attainments who paraded them less. He was widely read in the literature of France and Italy, and still more widely in the ample and subtle speech which was his own heritage. He read thoroughly, and had a memory of iron grasp. Again and again I have been astonished at his sudden and apt quotations from writers little read and seldom quoted.

Like all men of broad cultivation, he had particular fields and special subjects in which he was peculiarly interested and upon which he was more deeply read than elsewhere. One of these was history, and more especially the period of the French revolution—Napoleon and the Napoleonic wars. He had made a very complete collection of books relating to Napoleon, and everything he bought he read. On this subject he was an authority and an expert, not for any particular purpose, but because the man and the time fascinated him and from sheer love of historical research. He delighted, as all men of thought and imagination must delight, in the great pageant of human history, but in the sensual pleasure of the music and the banners and the glittering arms he never forgot to ask whither the columns were marching and what their movements meant.

His other specialty was Shakespeare. He studied and loved him, knew him through and through, and drew from him that intense delight which comes to all lovers of the greatest genius which has appeared among men. A little instance will show at once his knowledge and his devotion to the mighty poet. Senator DAVIS once defended a judge in an impeachment case. The point involved was the power of the court to punish for contempt, and DAVIS cited in support of his position the splendid lines in Henry IV, where the chief justice defends his action in punishing the Prince of Wales for contempt of the judicial office and authority. He said the quotation produced a great effect, as well it might. Senator DAVIS also wrote, as I have said, a little book, called the Law of Shakespeare, a very learned and interesting study, which never gained the notice and reputation it merited, because it was printed and bound like a law book, when it was really literary and historical.

But that which more than all else makes me speak of Senator DAVIS as a man of letters is that he loved literature for its own sake. A man may be well informed in many ways; he may have read many books and on his own subjects be learned, and yet he may have no literature, to borrow Dr. Johnson's phrase. Books are not necessarily literature any more than the application of paint and colors is necessarily the work of an artist. Painting a fence and painting the Sistine Chapel are both painting, but one is useful, everyday trade, and the other is a great art, the work of a towering genius. A census report is a book, and it is valuable, but it is not literature. In its highest expression literature is the greatest art of which the human race has shown itself capable. As Mr. Barrett Wendell so well puts it, "It is the lasting expression in words of the meaning of life." It must combine thought, wit, humor, fancy—all that can appeal to the heart, the senses, and the

imagination—and it must go forth clothed in all the beauties which style and form can give it. It must exist for its own sake and be its own all-sufficient excuse for being. This was the literature which Senator DAVIS knew and rejoiced in and admired. This was what he read so widely in all languages, and especially in his own. This was what he loved purely for its own sake. And from this it follows that what he read most was poetry—that which is supreme in literature. In poetry he loved most what was greatest and best, and so he came to find what was good in all and judge aright the whole scale.

Despite the fact that he wrote little or nothing, I have dwelt upon him as a student and a man of letters for several reasons. His tastes and acquirements in this direction show the quality of his mind; such knowledge and love of literature are ennobling qualities worthy of remembrance, and such accomplishments in a distinguished public man are honorable to American public life. Senator DAVIS also illustrates the fact that although there are few, comparatively, who can rival him in extent of reading or breadth of cultivation, there are many, very many, men in the public service who share his love of learning and of literature, in which they find the same pleasure and instruction that he found in the hours stolen from the engrossing cares of a life of action.

His generous learning and wide reading helped Senator DAVIS as a statesman, that other aspect of his life of which I wish to speak briefly. That he was a statesman in the best acceptance of that term can not be gainsaid. He dealt with large questions in a large way. He looked before and after, not to sigh for what is not, but that he might deal successfully with the present and prepare wisely for the future. Like most men learned in the law, his tendencies were conservative, but he did

not shrink from innovation, nor was he the slave of precedent. The past, which he had studied so faithfully, was to him a wise teacher, not an unbending tyrant. He was not one of those who hide dislike of the present and distrust of the future under the guise of loyalty to the past. Although a man of strong will and masterful temper, he was ever open to new ideas. Above all, he had the two attributes essential to the highest statesmanship—sentiment and imagination. Without these gifts a man may be most successful, he may rise to the head of the state, he may do fine and enduring work, but he will never meet the greatest questions in the greatest way; and he may encounter a situation in which, despite his powers, he will fail solely from this deficiency in two qualities which are not practical, but which are none the less essential. Sir Robert Walpole was one of England's greatest ministers. He was the man for the time; he did the work England needed; his splendid good sense, his steady courage, his knowledge of men, and his executive capacity can not be overpraised. Yet Walpole could never have climbed to the heights which the elder Pitt scaled so easily, for he lacked the fervid sentiment and the soaring imagination of his great successor. These qualities of sentiment and imagination, combined with his learning, his long training at the bar, and his experience in public affairs, and supported as they were by an intellect which was singularly quick and resourceful, enabled Senator DAVIS to do his remarkable work of the last few years. When he came to the head of the Committee on Foreign Relations the country was just entering upon a new epoch; a period of change was beginning of which the end is still far distant. In the hurrying events which have crowded so fast upon us in the last four years Senator DAVIS played an important part. It is too soon to tell in detail or rightly to estimate what that part was in all the incidents which led to

the Spanish war, in the making of peace, and in the solution of the problems which war and peace and our own strides toward economic supremacy have brought upon us.

In all that he did in shaping our policy he was helped by his knowledge and his studies, by much careful thought, and by an imagination which enabled him to project his vision into the future. But that which was his surest guide was a sentiment embodied in a profound patriotism and an intense Americanism. I do not mean that he was peculiarly American because he held certain opinions on certain public questions, or that he was more patriotic than others who differed with him radically upon those same questions. What I mean is that he had a faith in his people and their destiny which nothing could shake, and that he never had a shadow of doubt or distrust as to their entire ability to meet any responsibility and any question bravely, justly, and victoriously. He had proved his patriotism, like many other brave men, on the field of battle, and he hardly ever referred to it. But his love of country and everything connected with its history was with him a passion. He took a deep satisfaction in his direct descent from one of the Plymouth Pilgrims, and he was prouder of the name of Robert Cushman signed to the compact of the *Mayflower* than if it had been inscribed among those of William's knights on the walls of Battle Abbey. His thoughts were always upon the great questions now before the United States, and in the last hours his country and her fortunes were uppermost in his mind as the shadows closed about him. He was not a man who cried his own virtues and proclaimed his own deeds in the market place, but he did his work—great work, as the time demanded—strongly and well. He will find his place and his reward in the pages of history, when the story of these momentous years is told.

That monument is for other hands than ours to build. We can only bear imperfect witness to what he was to us who knew him, and then leave his memory to

> The silent melody of thought that sings
> A ceaseless requiem to the sainted dead.

Address of Mr. Daniel, of Virginia.

It is a privilege which I appreciate, sad indeed, Mr. President, but all the more in consonance with the feelings which I bring to this mournful hour, to pay my respects to the memory of our dead friend and colleague, Cushman Kellogg Davis, of Minnesota.

He stood in the front rank of the lawyers and publicists of this country. He was an ornament of this body, as he was one of its most useful, able, and respected members. He was beloved here as he was beloved at home, and while the nation and the State alike deplore the loss of a noble and faithful public servant, those who had the privilege of association with him in his daily tasks mourn for him as a delightful companion and as a trusted friend whom they will know no more on earth forever.

The eminence which he had won was attained by the application of brilliant natural faculties to studious pursuits, and was the fitting reward of just and honorable labors. He was well equipped for public life. Before he came here he had been a legislator in his own State and had become its governor. He long practiced law in Minnesota, had achieved great success in his profession, and enjoyed a high reputation for learning, integrity, and sound judgment. As an advocate and as a counselor alike he had few equals. His mind was filled with technical lore, but, as well, with the large and equitable spirit of that jurisprudence which is gathered from the wisdom of the world and is applied in the affairs of men in all nations. There was no case of legal controversy, whether in the nisi prius or the appellate courts, or in an international tribunal, in which he

would not have been the peer of any antagonist who could possibly have been arrayed against him.

He was a lover and a student of literature as well as of the law. His mind had been enriched and ripened by his familiarity with its masters, and he was the profounder and abler lawyer because of his accomplishments in letters.

The subjects to which he addressed his attention in his career as a Senator here he studied to their depths, and when he spoke upon them he was sure to develop them in their bearings with perspicuity, and to render a worthy and valuable contribution to their consideration. Erudite, analytical, logical, trenchant, always chivalrous, and often brilliant as he was, he never spoke without attracting deep, interested attention; and while he did not speak often, he always spoke with power, and frequently with rare and engaging eloquence.

As an adviser on public matters he was patient, painstaking, wise, prudent, and considerate. His character possessed the elements which befit the statesman. He looked upon all sides of a question and weighed the "pros" and "cons" with judicial discernment and discretion. While his mind worked quickly and with instinctive justice, he was too experienced and too wise to let loose mere impulsive apprehensions; and his conclusions on any subject were apt to be in consonance with the best possible, practicable attainment.

He was never extreme and never erratic; he was always courteous and always independent and manly. He had a high and honorable sense of conviction and of responsibility, with a certain reserve that modestly emphasized rather than diminished the dignity and weight of his opinions. The play of fine fancy sometimes fringed his serious discourses with phosphorescent fire, but never an unseemly word or misplaced levity marred or belittled his utterances.

A few years ago Mr. DAVIS delivered a short series of four lectures on international law before the faculty and students of the University of Minnesota. They are couched in that clear and sententious language which few could use so well; and they sum up the leading questions of international law which have arisen in our national history. No better brief of them could be produced, and I know of no source which contains so much apt learning for the American student so compactly stated.

His facility as an orator, his wisdom as a thinker, and his knowledge of affairs I once had agreeable opportunity to note at the Military Academy, West Point, when I had the honor to be associated with him as one of the Board of Visitors appointed by the President of the Senate. After we reached the Academy he was called on to make an address before the graduating class, with but few hours for preparation. To the "occasion sudden" he was fully equal. In that short time he wrote and delivered a polished and well-considered address which bore no mark of its hasty conning and which was filled with the worthy reflections and the fine spirit which well became such an occasion.

"Our gentle master," Shakespeare, had for him that magnetic attraction which has brought the world to his feet and which he will ever possess without a peer for all spirits "touched to fine issues." He calls him "the first of men;" and we may well say of Mr. DAVIS, as was said of Lord Chief Justice Campbell, that "he has the glory of placing a stone on the lofty cairn of our immortal bard," for he has written of him in a work which will lose nothing in comparison with that of the great English jurist and author on the same subject. Indeed, it is far more complete in illustration of the law in Shakespeare, and abounds in fine passages of historical and literary criticism.

It was written as the work of winter evenings and as an incident to the study of the works of him "who converted the

elements which awaited his command into entertainments," and the members of that profession of which he was a shining light can not turn to its pages without feeling that he has made princely payment of the debt which, it has been said, every lawyer owes to his calling.

Those who have amused themselves in reading the curious books of the iconoclasts, which make laborious effort to show that Francis Bacon wrote the Shakespearian plays, as well as those who find in the master's work inherent evidence of his identity, will sympathize with Mr. DAVIS'S sharp rebuke of their heresy where he says:

> And now comes some one and says that here is proof that Shakespeare is a mere alias for Francis Bacon. It is difficult to touch or let alone this vagary with any patience.
>
> One is inclined simply to protest in the words of Shakespeare's epitaph:
>
> "Good friend for Iesus sake forbeare
> To digg the dust enclosed heare,"
>
> and pass on, deeming all secure against a desecration worse than that which the poet cursed.

Respecting his good taste in the fitting application of the fine thoughts of others, which, indeed, he seldom needed, so ready were his own, I may use his own language in reference to another and say:

> These emblems of his industry are woven into his style like the bees into the imperial purple of Napoleon's coronation robes.

How beautifully does he speak of the comparison between the first edition of Hamlet, in 1603, and the final revision of 1623, as showing how the hand of the master wrought upon his work.

"It is," said he, "as if some sculptor with an enchanter's power had wrought upon an unadorned Milan cathedral in one night, so that the morning showed thousands of carvings and statues where the day before were only walls of unadorned simplicity."

On the 2d of July, 1897, Mr. DAVIS delivered an address on

the battlefield of Gettysburg, at the unveiling of the statue erected by the State of Minnesota in honor of the First Regiment of Minnesota Volunteers.

It was the thirty-fourth anniversary of that mighty conflict in which the regiment from the State which our friend represented had done a deed of splendid valor and paid the martyr's tribute, suffering more than any other command of either side in killed and wounded—more, indeed, than any command in any battle of the civil war. Two hundred and fifteen out of 262 fell in that awful cataclysm. Yet, as he said, "Only 47 were unhurt, but they stood in line, and not one man was missing." Not one of all the brave battalions of the North and South that threw themselves against the walls of fire on that dreadful day won greater honor than the First Regiment of Minnesota; and I may say of him who then spoke for them that their orator spoke as nobly as they fought, and like a knightly champion of a reunited people.

I wish, indeed, Mr. President, it were fitting for me to read all of that speech here. It is the rich, fragrant, mellow, sun-colored fruit of a tree deeply rooted in generous soil. It would better fill my brief time upon this floor than anything I could say. It was a message of peace and honor in the outstretched hand of true fraternity. It was the sage, the seer, the patriot, the honest man that spoke. No vainglorious outburst was there, and no condescension. But forbearance, toleration, moderation, self-restraint, patriotism—broad as the lines of the great Republic, warm as its firesides, vital in every part—honoring all men according to St. Paul's injunction.

May I be permitted, Mr. President, to read a few passages from that noble utterance? Said he:

> Nearly 160,000 fronted each other here. Neither waged a war of foreign invasion. They were brothers deeply angered. But that brotherhood was

an assurance of fraternal reunion at some time when war should cease and the resistless forces of reconciliation should assert themselves, as they have done, thanks be to Him who has guided and protected this nation.

Again, he said:

Neither army was fighting for a monarchy, or to establish one. Each was pouring out its blood for its own constitutional government—for the right of man to govern himself in a republic. This fact is ever to be remembered in considering the philosophy of that great war. The irritating cause which produced it never for a moment seduced the men of either side from allegiance to the constitutional conception of their forefathers that governments exist only by the consent of the governed, and that this right can be most efficaciously established and preserved by an elective republic.

And yet, again:

And it was this transcendental fealty which so soon reunited us in one family by the combined efforts of men in whom hostility had been appeased, and closed that awful chasm which our evil-wishers abroad predicted would always divide us by a fixed and impassable gulf. The same earthquake force which opened that abyss closed it again, and we stand now, here and everywhere, upon solid ground—holy ground here, because it is a tomb where the hosts of valor and patriotism have "set up their everlasting rest." It is also a field of resurrection whence has arisen the Genius of a restored Union.

He who thus spoke over the dust of his fallen comrades presents himself to my mind as the highest type of the American citizen; and as we contemplate him there on the heights, where angered brethren imbued the field in each other's blood, and hear the sweet small voice of love rise from a whisper to a bugle call in his utterances, we seem—

* * to see our flag unfurled,
Our champion waiting in his place
For the last battle of the world—
The Armageddon of the race.

Mr. President, he, too, has passed to the tabernacles of everlasting rest, followed by honest tears, which flow as did his own noble speech from the purest fountain of our

being—dews which rise upon the mountain top, descended from the heavens.

> Dead! While his voice was living yet
> In echoes round the pillared dome.
> Dead! While his blotted page lay wet
> With themes of state and love of home.

"When I die," said little Nell, "put something near me that loved the light and had the sky above it always." "Crown me with flowers," said Mirabeau in his last hour.

Innocent childhood, mature manhood, and the world-weary old man go alike as equals to the tomb, and yet with the same ever rising yearning spirit. Gaudy monuments there seem a sacrilege. Fulsome praise is repellant. The uppermost thought that comes to me as I say "farewell" to our dead friend is that throughout his service here, and in all his public life, he held all his countrymen in his heart, and spoke no word that leaves a thorn in any bosom. May I not lay this fact, as a flower that bloomed forth from his own being, upon his tomb? The virtue which he possessed and of which it is the token has had the sky above it always.

Address of Mr. Spooner, of Wisconsin.

Mr. President: Painfully conscious that I can utter on this occasion no adequate tribute to the character and career of our departed colleague, I yet must speak here some earnest and tender words of my long-time friend. My memory of him carries me back to a time anterior to his removal from Wisconsin to Minnesota, when he was connected with the supreme court of Wisconsin, and availing himself of the great law library of that State in preparing for the practice of his chosen profession. I see him now as I saw him then, and I remember that he was considered one of the ablest, most brilliant, and promising young men in the State of Wisconsin. The judges of the court, all distinguished jurists, were especially fond of him, regarded him as singularly gifted and able, and confidently predicted for him a great career.

In 1870, when I removed to the northern border of Wisconsin, less than 20 miles from his home, he had already achieved eminence in the profession and was accounted one of the leaders of a brilliant and learned bar. He had first won distinction as a lawyer by the audacity, skill, and eloquence with which he had conducted the defense in a famous murder case, and, after the lapse of over thirty years, the ability and resourcefulness which upon that trial attracted the attention of Minnesota to his brilliancy and capacity is still a theme of conversation among the lawyers and laymen of that day.

As a lawyer he was remarkably well grounded in legal principles. He had not only studied the science of the law, but he had explored and mastered the history of the law. There are lawyers who know more of decisions and what is

called "case law," but there are not many who have more thoroughly mastered the science of the law or are more familiar with its fundamental principles and the philosophy and reasons underlying them.

He possessed a rare faculty of generalization, and also of analysis, without the narrowness and tendency to technicality which sometimes characterize the analytical mind.

He was not as a lawyer in any sense a specialist, and I do not remember a man who had greater professional versatility. There seemed to be no branch of the law in which he was not at home. It is quite impossible to say that he was stronger in one phase of the practice than in another.

His arguments in the courts of last resort were luminous and weighty. In the examination and cross-examination of witnesses he was an artist, and in the argument of a cause to a jury he was powerful and persuasive. From the beginning of his career he was distinguished for a choice and abundant vocabulary, which was always subject to his command.

I have heard from him arguments addressed to the court upon questions of law and to juries upon questions of fact which I thought then, and think now, could not be excelled by anyone for strength, learning, and eloquence. There was a quality in his voice, a charm in his manner, and a beauty in his diction which was peculiar to him.

No man was ever more devoted to the interests intrusted to his care or more assiduous in the preparation necessary to the completest discharge of professional duty.

He seemed to have been born with a passion for reading. In the early years, when his professional duties and burdens were most exacting and pressing, I doubt if there was a night when his library was accessible in which he did not, laying aside all thought of law and courts and clients, seek and find

recreation and refreshment in some volume of the classics, or of history, or in the pages of Shakespeare, or in the poems of the Bible. He could say with Gibbon:

> My early and invincible love of reading I * * * would not exchange for the treasure of India.

Never since I first knew him would he willingly exchange an hour with his books in the quiet of his library for any social function or assembly.

He read with great discrimination and with fine appreciation of the literary quality of the author and of his thought, however subtle. And he read to good purpose, for his capacious and retentive memory was an inexhaustible storehouse, in which there was no rubbish and from which at his will came jewels of rare beauty to enrich his speech at the bar, in the Senate, on the hustings, and in the daily intercourse with his fellows.

He had rare felicity in the use of language. Every word he used fitted in its place, and was chosen to give precise expression to the thought which he intended to convey. This seemed in him a gift. It characterized him in his early life, and I doubt if he ever uttered even a short speech in which there was not some sentence which challenged admiration for its perfection and fastened itself in the memory of the listener as a model. This was as true of his unpremeditated utterances as it was of those which were carefully prepared. While his style was classic and never commonplace, there was an utter absence of apparent word study.

While his well-earned fame at the bar for learning, ability, and eloquence was established, it was circumscribed, and the larger fame which he won and which will live in the history of the nation was achieved in the domain of statesmanship after he took his seat in this body. Few men ever came

here with better natural endowment and preliminary training for the distinguished discharge of the high duties pertaining to this place than did he.

He never seemed to me in the Senate quite the man in physical strength and health he was when I had known him at the bar. His voice had lost something of the ringing and resonant quality which had impressed me in earlier years, and he seemed less aggressive and less inclined to contest and to speech. He came to prefer the study of great questions in the line of his inclination and special duty, and to speak only when it seemed absolutely necessary. He was a great constitutional lawyer, and he made of himself here a great international lawyer. I have not known one in public life who knew more accurately, in general and in detail, the great transactions of this Government, from the beginning, in its international relations. He was content, having expressed fully his views and the reasoning by which he reached his conclusions upon a measure of which he was in charge, or in support of a policy which he proposed, to leave it without further special advocacy to the arbitrament of the Senate.

He made some great speeches in this body worthy of any period in its history, which will stand for accuracy, wealth of learning, beauty of diction, and strength of argumentation as models. Some of the best speeches I ever heard him deliver were upon topics involving our foreign relations, which, though of remarkable beauty of expression, evidencing complete mastery of the subject, listened to by a full Senate with rapt attention, are lost to the world because in the public interest they were spoken in the secrecy of executive session. I recall several such which would have added to his fame, and which it is a pity were not preserved.

His was a daring mind. He had no time for inconsequential thought. Mentally "he walked the mountian ranges." No problem in the domain of international law or diplomacy was too complicated or monumental for his mental grasp. There was about him nothing of mental or moral timidity. He shrank from no responsibility; no specter or phantom danger had terror for him. Once convinced of the true course, he would guide the craft whose rudder was in his hands through any sea with unshaken nerves and will as firm as adamant.

His Americanism was intense, and his faith in the grandeur of our national future was absolute and implicit. He was not unmindful of perils, but he was undaunted by them. An idealist, he was also an eminently practical statesman. A lover of liberty and constitutional government, he realized that each is a development, and that "in the corrupted currents of this world" it can sometimes, alas, only be attained through training and struggle and sacrifice, and too often only through the shedding of blood.

Inexorable in maintaining the rights of his country and safeguarding its interests, he was scrupulous in insisting upon that courtesy and justice in the conduct of our foreign relations which are as essential to peace and good will between governments as they are among men. He knew that among nations, as among men, calmness and dignity of action best befit strength and power, and he was insistent upon the punctilious observance by his own Government in all cases of the etiquette usual in international intercourse, and in this more than once, in my judgment, he served the country better than its people know.

This man, sometimes imperious in his intercourse with equals, was always considerate, even tender, with the lowly and the humble.

He had unfaultering faith in the stability of this Government. It was based upon an unfaltering faith in the people.

He was a sincere friend of labor, but he insisted always upon the observance, by every class, of those laws and principles which are essential to the preservation of public security and good government.

I shall not forget, as the funeral cortége proceeded, on a bleak and wintry day, from the home which he loved to the grave in which he rests, how, as it passed the works of a great corporation, the men who toil there, quitting the furnace, the forge, and the bench, stood in line, with bowed, bared heads, with sorrow in each face, a touching tribute to the dead statesman who, they knew, had been in life their true and thoughtful friend.

He was loyal to the point of devotion in his friendships, and just and tolerant to every fair foe.

I noted in him many years ago, when brought for a time into contact with him in the city of his home, his love for children and their love for him. He answered a remark by me once upon the subject with this quotation:

> Better to be driven out from among men than to be disliked by children.

He was a politician, Mr. President, in the lofty sense, in the honorable sense, in that sense which is requisite to the best statesmanship. He despised political intrigue and backbiting.

He was a religious man in his convictions. I know from conversation with him long ago that he had had, as many of us have had, more or less of skepticism. It long ago disappeared, and I was not surprised, but confirmed, in my understanding of his attitude by reading recently this utterance of his upon the subject to Rev. Dr. Samuel G. Smith, of St. Paul, his friend:

> It is a great deal better to have these things discussed by the friends of the church rather than by her enemies, but it is not new—Voltaire had

much to say on the subject. The heart of the question is not in any debate about the history of the books of the Bible. I am very familiar with the Bible. Job is the noblest poem ever written, and there is much of the loftiest eloquence in the Prophets. Nor is it in the literature of the Bible that the problem of faith rests. I know human history, and I know that in the first century something happened that destroyed the old world and gave birth to the new. The resurrection of Jesus would account for that change, and I do not know of any other adequate solution that has ever been proposed.

I read this as evidence of his faith, and as an example of that generalization, broad and strong, which was characteristic of him.

He loved the duties of the Senate, and he delighted in the companionship of the Senate. After he was stricken with the illness from which he died, and a few days before the election, I called upon him. He had suffered intensely, and his nerves were shaken. As I bade him good-bye I sought to cheer him, and prophesied his certain presence at the opening of the session of the Senate. In a low voice he said to me, "It is a great body, a great body; good-bye." To me these were his last words.

It is said that in the delirium which preceded his release from pain and his entering into rest he constantly talked of the Senate and of the great affairs here, which were in a measure committed to his charge, and expressed a wish to live a few years longer, that he might help to work out some of the half-solved problems which press upon us, and to which he had given anxious and laborious thought. It was not to be.

We have missed him; we will miss him; and those of us who served with him here will remember him with admiration for his learning and his genius, and with affection for his kindliness and the charm of his comradeship. Truly, Mr. President, he was a man of "great and shining parts"—student, soldier, lawyer, orator, scholar, statesman—in each of these excelling.

Happily, Mr. President, no man is indispensable to any State or country. Minnesota, who loved and honored him and who was by him loved and honored in return, will be represented in this Chamber by strong, able, patriotic, and eloquent men; but, depreciating no one, it will not be strange if she shall not be able, taking him all in all, to send here another CUSHMAN K. DAVIS.

Address of Mr. Pettigrew, of South Dakota.

Mr. President: Senator Davis belonged to the Northwest, though claimed by the State which honored itself in honoring him. We of the Northwest looked to him as a leader devoted to its interests and fully comprehending and sympathizing with its wants. In a larger sense he belonged to the nation as one of the nation's distinguished servants.

Yet he was distinctively a product of the newer portion of our realm, emerging from childhood, through the intervening years of youth, into the maturity of manhood surrounded by those progressive people who subdued a wilderness and impressed the vigor of their constructive capabilities upon expanding minds.

Born in Henderson, in the State of New York, on the 16th of June, 1838, Mr. Davis was taken by his parents from his native State to the Territory of Wisconsin when but a few months old, and there his family enrolled themselves among the pioneers who created a State that has already furnished the country with many noble examples of patriotic ability.

During that period in life when the mind receives its lasting impressions Mr. Davis imbibed the rudiments of that knowledge which in its fullness made him a masterful leader among men. His adopted State was at that time the abode of an unusual proportion of rising representatives of statecraft, endowed with conspicuous mental capacity. Growing to manhood in the midst of influences thrown off from the discussions of men of strong intellectuality, during the formative years of a new Commonwealth, Mr. Davis's receptive mentality absorbed the teachings of the conspicuous men of the times, and these furnished the foundation for that broader knowledge, acquired through a habit of

industrious research, which formed, in the maturity of his years, the eminent scholar and profound statesman to whose memory we are to-day bestowing the affectionate tribute of sincere words.

Senator DAVIS's education was begun in the common schools of the young State of Wisconsin, and from these he passed to a local college in Waukesha, his home town. From this college he entered the University of Michigan, graduating therefrom in 1857.

Fresh from the honors of university life, he became a student in the law office of Alexander Randall, afterwards governor of the State. A few years of studious application to legal research fitted Mr. DAVIS for the profession of a lawyer, and he opened an office and entered upon the career that made him conspicuous among the leading men of the nation.

When the storm of the civil war broke upon the country Mr. DAVIS abandoned the avocations of peace and became one of that vast army which the North sent forth to grapple in titanic struggle with their brethren of the South. Broken in health, he was compelled to abandon military life in 1864, retiring from the Army as a lieutenant in the Twenty-eighth Wisconsin Infantry.

After abandoning the profession of arms Mr. DAVIS resumed the practice of law at St. Paul, Minn., which city remained his home up to the time of his lamented death. In the succeeding years he filled many public positions of responsibility, being a State legislator, United States district attorney, governor of his State, and finally his constituency elevated him to a seat in this body, and twice affirmed their confidence in his representative ability. During thirteen important years in our history Senator DAVIS honored this Chamber with his presence, and so strongly had he endeared himself to his associates that when he was summoned hence to enter another life he left within the scene of his national successes a profound sense of irreparable loss.

During the sixty-two years which marked the span of his

useful career the gravest national questions have arisen and the most serious perils have beset the life of the Republic. Since reaching man's estate Mr. DAVIS has been an active factor in the solution of these public problems, either upon the field of war's strife or in the peaceful councils of the people. Death found him in the midst of the crowning achievements of his public life, and that he was loath to go and leave his work unfinished is attested by those who ministered to his sufferings and watched in sorow while the soul separated itself from the tenement we had loved and honored as the personification of rare mental gifts and true worth in man.

I am a mourner at the shrine of a friendship that has existed during many years and reaches beyond the barrier of death. Having known Mr. DAVIS intimately in the public and private walks of life—in the forum, in the home and social circle, and in the seclusion of confidential intimacy—I bear testimony to the greatness of his mind and the goodness of his heart, to his unswerving integrity, to his fidelity to principle, to the presence of mental endowments that elevated him to a conspicuous position among the statesmen and philosophers of our advanced era. Sincerely do I hope that the example of his public and private life may remain among and with us as we bear the burdens of earthly pilgrimage and sanctify the hour when we stand again in the presence of the departed.

Address of Mr. McCumber, of North Dakota.

Mr. President: While those qualities which make the soldier or the patriot, the scholar or the statesman, instinctively command our admiration and honor, they are not always the ones which most deeply impress or enshrine a noble character in the affections of his associates or engender the deepest reverence and esteem.

These great qualities of soul and brain manifested in the life of Cushman Kellogg Davis were happily combined with the gentle and tender impulses of a sympathetic heart to an extent seldom equaled in any one individual—the elements of a sage counselor and a generous friend.

While I have watched with pride and honor the public career of this star of my native State whose lustrous character shone over all this great nation, my close personal acquaintance has been limited to a few years only. That short period, however, has been sufficient to know the man, for the character of every individual is like a divinely builded palace, whose majestic proportions and harmonious form, reflecting the beauty and sublimity of the soul of the architect, may be comprehended in a single glance; or like the finished work of some grand artist, which, while it reflects upon the canvas lofty ideals which speak like angels of sympathy to the souls of men, yet shows the labored touch of every stroke of the magic brush.

So was the real life of Senator Davis known to all who had the honor of his acquaintance, the privilege of his personal friendship, the more delicate details ever traceable in the grander structure of the whole.

Though firm and strong, his firmness was so blended with gentleness that, while his whole character stood out grand and

imposing, it was softened like some great mountain peak half veiled in morning mists.

His generosity was not of the latent quality which required an exciting stimulus to develop its activity, but was ever alert and active, and responded as naturally and as surely as the magnet to the pole. In his kindness and gentleness you felt the glow and fire of sincerity, which inspired absolute confidence.

With a patriotism unbounded, his youthful vigor and manhood's prime, the best of his life and thought, were dedicated to his country's good. That same devotion to nation manifested in his enlistment and service through the civil war was characteristic of his whole life.

The associates of Senator DAVIS in the last session of Congress know how unremittingly were his labors in the very face of the enemy of life. The advent of an insidious disease to which his physical health was rapidly yielding and which was soon to claim him for its own seemed rather to intensify than diminish his zeal. One thought with him was supreme—his country needed his service.

The words of the poet might well have been dedicated to him:

> Oh, think how to his latest day,
> When death just hovering claimed his prey,
> With Palinure's unaltered mood,
> Firm at his dangerous post he stood.
> Each call for needful rest repelled,
> With dying hand the rudder held.

But his love of country was not a blind devotion. He admired the true, generous, and brave in all countries, and held his own as rigidly to his ideal of national honor and duty as he did the highest or lowest nation of the world.

His great success in the field of politics was not the result of that tact, skill, and diplomacy, by so many understood to be an essential to successful political advancement.

His tact was the ardor of his convictions of right and unswerving loyalty to those convictions; his diplomacy the directness and simplicity of his utterances; his skill was his scholarly attainments and thorough knowledge of all the great political questions of the day.

As a jurist he ever interpreted law by the standard of justice—the soul which should permeate every human code—and never deflected that standard except toward the side of mercy. His arguments, like his character, were seldom aggressive, but ever clear and persuasive.

As a young man he gave his youthful vigor and strength of manhood in war that no star should be lost to the firmament of American nationality. In his later years he gave that counsel to his country which broadened its national horizon and raised it to a higher, broader, and nobler position among the powers of the world.

The tribute of Sir Walter Scott to Fox, in his last resting place, most fittingly portrays the noble nature of CUSHMAN KELLOGG DAVIS and his country's loss in this era of great national changes:

> For talents mourn, untimely lost,
> When best employed, and wanted most;
> Mourn genius high, and lore profound,
> And wit that loved to play, not wound;
> And all the reasoning powers divine,
> To penetrate, resolve, combine;
> And feelings keen, and fancy's glow—
> They sleep with him who sleeps below.

ADDRESS OF MR. FOSTER, OF WASHINGTON.

Mr. PRESIDENT: Senator DAVIS was my near neighbor for twenty-five years, and, while it is impossible for me to add to the eloquent and just tributes already spoken in his memory, I feel constrained to contribute a few neighborly remarks bearing witness to his many sterling attributes of mind and heart.

Over a quarter of a century ago, when I first met him, he was a rising and ambitious young lawyer, who was attracting friends as well as attention. That he was a confiding and tenacious friend those who know him best gladly testify; but of all his notable qualities his strict integrity first challenged my admiration.

His briefs were perfect, and his thoroughness as a lawyer was, in my humble opinion, the substantial foundation of his success at the bar. His intellect was ever clear and vigorous. He had the power to grasp great intellectual problems, and his prophetic solution of delicate and grave international questions in his riper years stirred the pride of his former neighbors, who predicted a brilliant career for him when he was yet burning the midnight lamp during and before his achievements as United States district attorney of Minnesota, nearly thirty years ago.

And yet Senator DAVIS did not reach the pinnacle of his power by sudden flights, but rather by steady, persistent plodding and continued application. Day by day, year by year, his abilities and knowledge increased until he developed into a great lawyer—a foremost statesman. He was a notable advocate of the rights of good citizenship and early gained and held the confidence of a large circle of friends. This priceless confidence of his friends continued to the end, consoling him on his bed of sickness and spreading flowers on his tomb.

While this worthy son of a great Commonwealth was a profound scholar, he was a most affable and genial companion and neighbor. In his infrequent moments of leisure his genial spirit and generous hospitality warmed the hearts of his friends and had the pleasing effect of placing the most humble and timid on a level of most charming equality. His friendships were so strong that the severest tests and rudest shocks could not break them. Only the settled conviction that a flagrantly unworthy act had been committed caused him to withdraw the abiding confidence reposed by him in his friends.

His library was stored with choice volumes, and the young men who have had the opportunity of enjoying and profiting by his varied knowledge of men and affairs may well count themselves fortunate. Those partaking of the feast of reason spread by him for his friends will ever remember his remarkable familiarity with the thoughts and writings of men of profound learning of all ages, as well as his interesting conceptions of the teachings of nature. At one time, during an interesting discussion, he would make use of a plain illustration of the common people, next a simile evolved from his own extended experience, and then a classical surprise, pertinent and ever pleasing. His reasoning was clear and concise, his position absolute and definite. Gradually interest in his literary attainments and legal ability spread beyond the middle West and throughout the country in general, until he was known everywhere for his bright intellect, his patriotism, and conscientious performance of public duty.

He was considerate of every man's opinion, and, as a friend and lawyer, this made him an agreeable associate. He was tenacious and unyielding, after reaching conclusions, and in many notable instances time has demonstrated the correctness of his opinions and the soundness of his mature judgment.

With Senator DAVIS convictions were sacred, and that he had the courage of his convictions his public acts and deeds amply testify. In expressing his convictions he was fearless, forcible, and courageous.

The fidelity with which Senator DAVIS discharged his public duties is the subject of frequent and earnest commendation among his admirers, but as a former neighbor I deem it an honor to bear witness to his attention to small things. In the little courtesies of life he was thoughtful and considerate. He displayed a disposition to help and perform those slight acts of kindness that cement and firmly hold our friendships. When news reached him, for instance, of an old friend living in a far distant part of the country having been chosen to a seat in this Chamber, he found time, although burdened with grave responsibilities of far-reaching importance, to write full particulars touching upon the duties of a newly elected Senator.

His career has been ended abruptly, at a time when his splendid talents were most keenly appreciated and could least be spared. That his death should occur at this particular time is, indeed, peculiarly sad.

As an eminent authority on constitutional and international law and diplomacy, his services to his country were of inestimable value during the uncertain and eventful days before and during the late war with Spain, and as these last services to his country are yet fresh in the minds of a grateful people, the generous appreciation now manifested adds to the crowning patriotic achievements of his public life.

Address of Mr. Towne, of Minnesota.

Mr. President: The language of eulogy has many times awakened the echoes of these august walls. Often in this place have affection, gratitude, and admiration paid their unstinted tribute to great talents, exalted character, valiant deeds, and useful service. Here whatever is high in purpose or excellent in performance has again and again been celebrated by all that is noble in thought and eloquent in speech.

To-day, with whatsoever humbleness a voice may raise itself to mingle with these mighty memories, there is that in the subject of this observance which vindicates propriety by transforming presumption into duty. His countrymen at large had hardly reached a just appreciation of the native genius and the vast and varied acquirements of Cushman Kellogg Davis when envious death obscured the light whose radiance had but begun to shine in its peculiar sphere and with its own original luster. The people of his Commonwealth, among whom he lived his simple, unostentatious, busy life in a familiar association of more than thirty years, had come to know him well.

His name is a household word throughout the State of Minnesota. His varied endowments, his wide and accurate scholarship, his versatile capacity, were common knowledge, and when he was called, as his fellow-citizens knew he some time must be, to a large opportunity upon the theater of the national history they looked confidently forward to a career that should leave all his countrymen as well assured as they themselves already were of his right to a place in the pantheon of American greatness.

In everyday life Mr. DAVIS was democratic and unconventional, genial and approachable, though never without that unobtrusive suggestion of dignity which almost seems to be the peculiar property of the true American gentleman. His simplicity was as unaffected as his self-respect was unmistakable. He had withal a lively sense of humor which, playing above an illimitable expanse of miscellaneous information, lighted up his conversation like sunshine upon a diversified landscape.

At the bar he early attained to eminence. Always a student in whatever interested him, he had an extensive acquaintance with the literature of jurisprudence, although the structure of his mind inclined him toward the exposition of principles rather than the mere aggregation of cases. His arguments to courts were models of legal reasoning and logical method; while in addresses to juries his intimate knowledge of human nature, his faculty of illustration, and his felicity of speech made him an opponent to be dreaded. As a trial lawyer he excelled in the arrangement of the order of his proofs, in his command of the rules of evidence, and in the art of examining witnesses, exhibiting with other merits in this last department that rare discretion which knows how to resist allurements toward excessive cross-examination.

Senator DAVIS was a conspicuous example of the scholar in politics. His reading, both in history and in general literature, was comprehensive and minute; but in this respect, as in others, he followed the instinct of his own taste and preference rather than any hard and fast programme of study. His library was his most congenial habitat. Thither with unerring certainty he might be traced in the intervals of professional engagements or public business. His books had gathered about him in answer to the call of his mind for companionship and counsel. He bought no volumes by job lot to fill shelf room

and make a brave appearance. He knew each one of them like a friend. He handled them lovingly. He felt at home among them. Could they be marshaled in the order in which they came to him, their character and sequence would be at once an index to his many-sided capacities and a history of his growth.

His early love for the classics abided with him from his college days to the last. Ovid, and Livy, and Horace, and Virgil were customary relaxations; and I recall an occasion when, in selecting the contents of his valise for a journey, even a box of his favorite brand of cigars was compelled to give place to a copy of Sallust and a volume of Pliny's letters. On his return from Paris two years ago he brought with him, as a trophy prized scarcely less than the famous treaty itself, a French edition of the entire extant Latin literature. Many Senators will, no doubt, remember his remarkably happy and ready rendering of a passage in one of Juvenal's satires which he made impromptu during the Hawaiian debate in the Fifty-third Congress. Having quoted as follows:

> Sed quo cecidit sub crimine; quisnam
> Delator? quibus judiciis; quo teste probavit?
> Nil horum; verbosa et grandis epistola venit
> A Capreis. Bene habet; nul plus interrogo.

He thus proceeded:

> My friend from Massachusetts [Mr. Hoar] requests me to translate that. He does not need it, of course. But another Senator [Mr. Washburn] suggests that some of the rest of us do. I will not attempt to give a literal translation, but I will give an accurate paraphrase, which will show its application: "Into what crime has he fallen? By what informer has he been accused? What judge has passed upon him? What witness has testified against him? Not one or any of these. A verbose and turgid message has come over from Capri. That settles it. I will interrogate no further."

Those who have not forgotten the circumstances under which this speech was made will understand that this passage

is a good witness to much more than a familiarity with a latin classic.

With all his various and wide excursions in the domain of general literature, there were some spots he specially loved to visit, a few nooks he made almost his own. A boyhood enthusiasm for Napoleon stimulated an interest in that wonderful man and all that concerned him, and led to the collection of many rare portraits of the great Corsican and of several hundred volumes dealing with his life and times.

It is probable that no other private library in this country can show so large a Napoleonic bibliography as that left by Senator DAVIS; and I question whether any living American other than Professor Sloane has at his instant command such a rich fund of accurate information concerning the first Emperor of the French as that which so often charmed and astonished the friends who were fortunate enough to be in the Senator's company when this absorbing topic was introduced and his mood was fertile.

It is doubtful whether Mr. DAVIS found in any other author quite so keen a delight as in Shakespeare. Himself gifted with a vivid, yet sane imagination, exquisitely sensitive to the music and rhythm of perfect verse, prone to comprehensive generalization, and profoundly studious of the psychology of human character, the atmosphere of the incomparable poet-dramatist was most congenial to him. In his early manhood the study of Shakespeare was, as he has told us in a published essay, habitual. This study was not only con amore; it was critical, comparative, and exhaustive. Its results in one department of criticism he made known in a volume called The Law in Shakespeare, which remains, I believe, the best and most thorough exposition of this branch of Shakespearean learning. One passage from the "introduction" of this volume I will quote as

an example of Senator DAVIS's literary style and of his method of thought:

> There was everything in that romantic age to stir the imagination. There was a spirit of chivalry abroad which marched in quest of something more substantial than moldy relics and fulfilled vows sworn to something grander than the achievement of pious absurdities. Frobisher had sailed northward into the silence of the eternal seas of ice. El Dorado lifted against the western skies its shafts and domes of gold. The Armada had vanished like a portentous phantom, smitten by the valor of Englishmen, and chased far off into the Hebridean fogs by the waves of the exasperated sea, which fought for its island nursling. Hawkins, pirate and admiral, had thrown his fortune into the pit which threatened to swallow up his country, and had died under the displeasure of his stingy yet magnificent queen. Raleigh, having seen his dreams of the New World die out, lay in the Tower writing his history, doubtless smoking the consoling weed while awaiting the end of so much bravery, so much rashness, and so many cares, in the summons of "eloquent, just, and mighty Death."
>
> Drake had spoiled the seas and the cities thereof. Captain John Smith had told of great empires in the West and their swarthy emperors. Mary, Queen of Scots, that changeful enchantress, as we see her now—at one time the French lily, all sweet, and pure, and fragrant, and again the Scottish thistle, spinous and cruel to all who touched her—had woven the cords of love into the chains of empire, and had pressed the cup of her sorceries to the lips of many men, until her own glorious head bowed to "the long divorce of steel."

Little argument is needed to show that the author of this paragraph might have entered upon almost any department of literature, whether creative, critical, or historical, with absolute assurance of distinction.

Senator DAVIS's facility in modern languages was very unusual for an American public man. He had for literary purposes a practical mastery of French, a knowledge of Italian only slightly less, and a very serviceable use of Spanish. One of the most valued sets of books in his collection was a complete and uniform edition of the Italian poets, through which in leisure hours he wandered, ever with senses alive to each peculiar beauty, from Dante and Petrarch to Leopardi. Contrary to

the general impression, even among his friends, he knew and read the German language; but his admiration for its literature was confined to its poetry, chiefly the folk-songs, Heine, and the lyrics of Schiller.

One of the favorite subjects of his youthful investigation was destined to afford Mr. DAVIS his chief avenue of distinction in public life. I think it probably true that no contemporary statesman excelled him in acquaintance with the literature of international law, or in the ability to state its principles and to argue their application. All the elementry works on the subject in English, French, and Italian were familiar to him, and he was profoundly versed in diplomatic precedents and history. His conceded preeminence as an international lawyer in this body, where several of his colleagues were justly ranked high in the same branch of learning, is the strongest certificate to his abilities and attainments. These qualifications were recognized early in his Senatorial service, and it is well known that many successive Secretaries of State availed themselves of his great store of knowledge, always courteously at their command.

He himself has told me of one occasion whereon Secretary Blaine, by producing at a Cabinet meeting the particulars of a certain diplomatic precedent upon which Mr. DAVIS had happened while reading a French authority, was able at a critical moment to secure the adoption of a procedure that, in all probability, avoided the extremity of war with a South American State. The reports which, as member and as chairman of the Committee on Foreign Relations, he has submitted to the Senate during the last ten years form a very valuable literature on many important topics in international law.

Only those in the very highest places of responsibility can testify how intimate and constant a reliance had been placed

on Senator DAVIS from the first mutterings premonitory of the Spanish-American war down to almost the very day of his death. Credible report has attributed to him the greater part of that masterly polemic in diplomacy whereby our peace commissioners at Paris, in a long series of interchanged notes with some of the ablest and astutest international lawyers in Europe, achieved a result which, even by those of us who do not approve the policy, must be admitted to constitute a signal triumph of dialectic skill.

Death found CUSHMAN K. DAVIS at the zenith of his powers and at the summit of his opportunities. He stood at the head of the committee which at the present critical juncture in our history is the most prominent committee of the highest governmental body in the world. If the policy on which his party has entered is to be pursued, the unexpired portion of his current term, comprising the next four years, must be all-important in the shaping and adjustment of that policy as related to numerous and complicated international interests. This was a situation calculated to appeal to his highest ambition, to stimulate his greatest potencies, to spread before his mental vision the most satisfying prospect of worthy and enduring fame.

Yet here, on the threshold of the consummation of his career, at the very entrance to that fair field for whose delights and glories all his past seemed to have been a designed preparation, inscrutable fate had ordained that he should pause. No one realized the tragic pathos of the catastrophe more fully than did he; yet he bore the sorrow of it with a moral heroism equal to the physical courage which he opposed to the stoutest assaults of pain. He might wince, but he would not cry out; he could express regret, but he did not complain. And when his feet touched the waters of the river beyond which lies

"that undiscovered country," the glance that sought inquiringly the farther shore was a glance that felt no shade of fear.

As a young man he had for a time yielded to the influence of that irreligious skepticism which was often the too hasty refuge of minds strongly impressed by the wonderful development of the physical sciences shortly after the middle of the nineteenth century. But as he grew older, and as his reading broadened and his habit of introspection strengthened, the thought that all the preparation of the centuries is purposeless and that the end of innumerable universes is mere nothingness gave no comfort to his soul and found no justification in his reason.

Familiar with the ancient philosophies and with the general principles of recent science, he found in both of them that which, while it yielded no exclusive basis for a particular creed, yet gave ample support to the sweet assurances of the Christian religion respecting the future life. The Grecian thinkers had reached conclusions summarized in the well-known lines of Addison's Cato:

> It must be so,—Plato, thou reasoneth well!
> Else whence this pleasing hope, this fond desire,
> This longing after immortality?
> Or whence this secret dread and inward horror
> Of falling into naught? Why shrinks the soul
> Back on herself, and startles at destruction?
> 'Tis the divinity that stirs within us;
> 'Tis Heaven itself that points out an hereafter,
> And intimates eternity to man.

Modern cosmogony, in sweeping away the ancient fond delusion that the sun, the moon, and the unnumbered stars, "still quiring to the young-eyed cherubims," circle obediently about the earth, the central home of specially created man, merely to give him light and to serve as pleasing objects of

his æsthetic contemplation, has substituted a doctrine infinitely more flattering to his consequence and in itself strongly probative of his immortality. It shows the human drama to have begun in the primordial chaos among the whirling atoms of diffused universes, the raw material of unborn worlds.

By the operation of forces of which the finite mind can not begin to grasp either the subtlety or the power, through reaches of time for which even the strongest symbols of our speech are weak as aids to the faltering imagination, the laws of the Eternal Beneficence evolved the order of celestial systems and the mysterious phenomena of life. At the culmination of the long ascent of being stands man, the consummate product of a creative process that began before "the morning stars sang together." Every resource and agency of nature is tributary to him—first to develop the body, next to nurture the mind, and finally to culture the soul and fortify it for its career through the yet unsounded spaces of spiritual progress.

In his primitive condition man's whole anxiety was to procure the means of mere physical existence and security. By and by the chief concern of this very existence and security came to be the higher things of the mind. Now we are beginning dimly to realize that the spiritual life is the highest of all, the goal toward which the vital principle has been climbing through all the æons gone. There is not an analogy in nature that does not justify the belief that the perfection of this spiritual life is the very flower and purpose of creation. This fact crowns existence. This is the master key to what otherwise is a maze of unintelligible phenomena. This, indeed, "vindicates the ways of God to man."

With such inferences the teachings of the Prophet of Nazareth are in full accord. To know God is, he declared, to have eternal life. When man entered upon the pursuit of this

knowledge he began the final stage of his destiny. The founding of Christianity was incomparably the most significant event since the very beginning of things. Said Senator DAVIS, not long before his death, in language which has already been quoted by the Senator from Wisconsin [Mr. SPOONER]:

> I know human history, and I know that in the first century something happened that destroyed the old world and gave birth to the new. The resurrection of Jesus would account for that change, and I do not know of any other adequate solution that has ever been proposed.

Thus, it seems to me, the conclusions of philosophy, the rationale of science, and the teachings of revealed religion point unerringly to immortality. In this supreme conviction our great friend departed. Though we may mourn the loss of his companionship, let us find more than consolation in the thought that the soul whose labors seemed so untimely interrupted here is still serenely following, in a more congenial environment, its divinely appointed part in the eternal harmony.

Mr. President, I respectfully ask for the adoption of the resolutions.

The resolutions were unanimously agreed to; and (at 3 o'clock and 38 minutes p. m.) the Senate adjourned.

PROCEEDINGS IN THE HOUSE.

DECEMBER 3, 1900.

Mr. TAWNEY. Mr. Speaker, it becomes my painful duty to officially announce to this House the death of that distinguished statesman, scholar, and accomplished diplomat, Senator CUSHMAN KELLOGG DAVIS, of Minnesota. His death occurred at his home, in St. Paul, Tuesday evening of last week, at about 11 o'clock. For several weeks he struggled heroically against a disease which at last proved too formidable for him to longer resist, and he yielded with a prayer upon his lips for the future glory of his country.

This is not the appropriate time to speak of the illustrious character and distinguished public services of Senator DAVIS. We will hereafter ask the House to devote a portion of its time to the paying of such tributes to his memory as are befitting his remarkable career of public usefulness, not only in the Senate of the United States, but also in the councils and administrative affairs of his adopted State.

His death has occurred at a time when his great ability and learning were most needed and when his country could least afford to lose him.

As a further mark of our esteem for the distinguished dead, I now offer the following resolutions.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. CUSHMAN K. DAVIS, a Senator of the United States from the State of Minnesota.

Resolved, That as a further mark of respect to the memories of the late Representatives HOFFECKER and DALY and the late Senators GEAR and DAVIS, this House do now adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the families of the deceased Senators and Representatives herein named.

The resolutions were unanimously agreed to; and accordingly (at 4 o'clock and 22 minutes p. m.) the House adjourned.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Parkinson, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. CUSHMAN KELLOGG DAVIS, late a Senator from the State of Minnesota.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

JANUARY 10, 1901.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The clerk read as follows:

Resolved, That Saturday, February 2, 1901, at 3 o'clock p. m., be assigned for the consideration of resolutions of respect to the memory of the late CUSHMAN K. DAVIS, a distinguished member of the United States Senate from the State of Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

FEBRUARY 2, 1901.

The SPEAKER pro tempore. Without objection, the special order set for 3 o'clock will be taken up now. The Chair hears no objection.

Mr. EDDY. I call up the special order, and offer the following resolutions:

The Clerk read as follows:

Resolved, That it is with deep regret and profound sorrow that the House of Representatives hears the announcement of the death of Hon. CUSHMAN KELLOGG DAVIS, late a Senator from the State of Minnesota.

Resolved, That the House extends to his family and to the people of the State of Minnesota sincere condolence in their bereavement.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the House be now suspended, to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk transmit to the family of the deceased and to the governor of the State of Minnesota a copy of these resolutions, with the action of the House thereon.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That, as an additional mark of respect, at the conclusion of these exercises the House do adjourn.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

Address of Mr. Fletcher, of Minnesota.

Mr. Speaker: Cushman Kellogg Davis was born at Henderson, N. Y., June 16, 1838, and died at St. Paul November 27, 1900.

During his birthyear his parents removed to Wisconsin and settled on a farm in the vicinity of Waukesha. Here the child developed into a sturdy youth, dividing his time between the common schools and the farm, cultivating simple tastes, and learning lessons of self-restraint and self-reliance. Ere long he grew impatient of the isolation and monotony incident to a farmer's life at that time; his gifted intellect awoke as from a sleep; he sought a wider horizon; he hungered to know and solve the problems which confronted him on all sides.

By happy chance a college training was opened before him. The eagerness with which he entered upon his preparation for college, and the unwearied diligence with which he pursued it bespoke the secret cravings of his soul. In three years from this first serious resolve to put himself upon a higher plane he had accomplished the preparatory stage and matriculated at the University of Michigan. From this institution he graduated with the very highest honors in 1857. Returning to Waukesha he began the study of law and was admitted to the bar in 1860—that memorable year in which the North asserted the indivisibility of the Union by the election of Abraham Lincoln, accepted the challenge of the South, and submitted the integrity of the nation to the dreadful arbitrament of arms.

Mr. Davis had barely entered into the practice of his profession before the third call for volunteers in our civil war came, revealing to the North the magnitude of the terrible struggle then pending. Shutting the door of his law office, he enlisted

in the service, and served for two years in the Army of the Tennessee throughout their campaigns in Kentucky, Arkansas, and Mississippi. During this period malaria had crept into his blood, fever had assailed him, and the hardships of the service had so worn upon him that he was incapable of discharging the duties expected of him. Accordingly, he resigned his commission as first lieutenant of Company B, Wisconsin Volunteers, and came to his father's house. Rest, recreation, and favoring climatic conditions speedily wrought encouraging results, and in a few months his complete restoration to health was assured.

Casting about for a place to make his home, and carefully considering many localities, he decided to establish himself in St. Paul, and there he has lived and toiled for a generation. Beginning at the lowest round of the ladder, without money, with limited acquaintance, with no adventitious aids, but with simple faith in himself, he steadily climbed that ladder until, at the end of his life, the luster of an international reputation shone squarely in his face. Mr. DAVIS never ceased to be glad that he had cast his lot in the then far Northwest. He loved St. Paul and was proud of Minnesota.

Friendships multiplied apace; he won an enviable position at the bar; he became a potent factor in shaping the policy of the State, and the manifestations of public confidence in him were frequent and unmistakable. His law practice increased in scope and importance, and great interests were so freely and unreservedly intrusted to his keeping that civic honors, which he enjoyed and could have secured, save for the unwillingness to accept them, were often thrust aside. However, he was elected a member of the State legislature, was appointed attorney-general of the State, made governor, and three times was commissioned to represent Minnesota in the United States Senate.

In the last position the man and his opportunity met. Fortunate meeting! Here his ability was put to the test, and all the resources which study and reflection had stored were taxed to their utmost. As the ocean liner must be hauled out into the deep sea before its ponderous engines are given liberty of action, so the Senate was to Mr. DAVIS a congenial place, and his joyful activity in that body gave ample proof of his appreciation of the good fortune that had fallen to him. In what esteem his associates already held him is evidenced by their prompt and unusual action in giving him a commanding position at the very start.

He was not assigned to the lowest end of some relatively unimportant committees—a sort of probationary state where the new member grows familiar with his environment, acquires confidence, and looks to time and change for promotion—but to him was accorded the chairmanship of the Committee on Pensions. The varied and exacting duties incident to this position he discharged with unwearied diligence and unruffled patience. What legislation he originated and secured, what abuses corrected and justice promoted, what friction of conflicting laws and interpretations disappeared, and what obstacles his hand removed for the better discharge of this branch of public business will never be known. He retired from this position, however, with net gains to himself everywhere. The country had come to admire and trust him, while his associates in the Senate had learned that, endowed with great intellectual force, he was a sound and safe legislator.

During the Venezuelan contention, and later as chairman of the Committee on Foreign Relations during the Spanish war, and yet again as commissioner at the peace conference, the part which Senator DAVIS played has stamped him as one of

the foremost men of this generation. His diplomatic skill, his familiarity with international law, and his quick insight into the strength or weakness of any matter under consideration were freely called into requisition and were never disappointing. If the files of the State Department were available, the special subjects of investigation with which he has been charged for the past six years, and the labor involved in their investigation, would disclose a record of signal public service. They belong to an unwritten record, traceable only in the policy of the nation.

Senator DAVIS was not an orator in the common acceptation of that term; his cast of mind was philosophic—convincing rather than moving his hearers. He was a profound student of the histories and relations of states, and yet, in the use of our Anglo-Saxon tongue, in the forceful and symmetrical unfolding of a subject, the marshaling of fact and illustration, I do not believe that his superior can be found in the history of the American Senate.

In forming the estimate of the life of a fellow-man what differing measurements are employed! The standpoint of many rests wholly on worldly possessions, and the first inquiry that rises to their lips is, Was he rich? What were his investments and his style of living, or how much power did he wield? How much fame did he enjoy? How much popular applause did he receive? Another accepts a man's actions as the sole criterion of his worth. What has he accomplished, is the question. Has he written a book or founded a city or commanded an army? Did he instruct the ignorant, and was he kind to the unfortunate? Undoubtedly the latter is a higher standpoint of judgment than the former. Possessions, however great, are outside of a man, while his conduct forms a most important part of him. Yet there is something behind possessions and

performance—a life finer and more powerful than that of outward expression. Shall we name it character? Character is the net result of every man's life. Not what he knows, not what he has acquired, but what he is constitutes his essence and personality.

Character is fundamental; without it individual achievement is simple mockery. Associate with this a tireless industry and trained intellect, with opportunity, and the career of Mr. DAVIS is rendered prophetic. He was indeed a manly man—honest and pure-minded, charitable and humane. He was actuated by the highest ideals of conduct, and lived in the sunshine of confiding neighbors. Perhaps the distinguishing characteristic of his mind was a certain equipoise—a knowledge of intrinsic value, an ability to find happiness in the common blessings of life, and a willingness to strike a balance between the pleasures and the pains that make up every life. Taken as a whole—

> A man that fortune's buffets and rewards
> Has ta'en with equal thanks;
> Whose blood and judgment are so well commingled
> That they are not a pipe for fortune's fingers
> To sound what stops she pleases.

To most men the reaching of what Webster calls "the upper story" of the legal profession absorbs all their time and employs all their energies. Not so with Mr. DAVIS. He roamed in many fields. He became a linguist, a Shakespearean scholar, and tasted what was best of the literatures of many lands. Attracted years ago by the career of Bonaparte, he faithfully read what the world had to say of this wonderful military hero. Through this biography he familiarized himself with the Code Napoleon, and, back of this, made a profound study of Roman law; so when the coveted opportunity, somewhat delayed, at last came and its door was flung wide open before him, he passed through its threshold equipped. But one day, a few

weeks ago, death found him in the field at work, with shining sickle, gathering the harvest which his labor had forecast, and before high noon his life sped away. Thousands will grieve over his taking off. The North Star State lost in him its foremost citizen, and the nation a stalwart defender and vigilant friend.

But I will detain the House no longer. My simple tribute, inadequate though it be, I offer to the memory of my friend, with a full heart and in all sincerity of purpose and thought. What Mr. DAVIS said of another, with little paraphrase, may be spoken of him: In far-off time to come, when the hoary sanctity of age shall have made our institutions venerable, their annalist will gather into the golden urn of History the achievements of CUSHMAN KELLOGG DAVIS.

Address of Mr. Jenkins, of Wisconsin.

Mr. Speaker: Under all circumstances I feel it to be a duty to say at least a few words upon this solemn occasion, as a partial tribute by the people of the State of Wisconsin, whom I have the honor, in part, to represent, to the memory of a man who in life was highly respected by the people of the State of Wisconsin, and whose untimely death was universally deplored by the American people.

The late Senator Cushman K. Davis was a respected and honored citizen of the State of Wisconsin before going to the State of Minnesota to reside, and he kept up his acquaintance with the people of the State of Wisconsin by his prominence in the public affairs of the State of Minnesota. The people of the State of Minnesota, appreciating his manly qualities, legal ability, and fitness for public life, called him to the highest positions within their gift, and in so doing made no mistake, for he creditably filled every position he occupied to the entire satisfaction of the people of his State, and when called by the legislature of the State of Minnesota to represent that State in the Senate of the United States, he took a leading position in that body and soon forged his way to the front—an honor to his State and country.

For a long time the State of Minnesota had stood high throughout the country on account of the great ability of her public servants, both local and national, but it was reserved to the late Senator Davis to add still further to the high standing of that progressive State.

His illness was painful news to the people of the United States, and his untimely death was mourned by all. Great as is this nation, his death was a loss and sincerely felt. He was

a typical American, and his footsteps should be followed by those desirous of being successful public men. His life shows what study, application, and earnest work will accomplish. Starting on a common level with humanity at large, at his death he had reached the topmost round of the ladder of public fame. He was called to his home beyond the grave at a time when his services were of special value to the nation.

Well equipped for the duties of his position, he was a leader among great men. Age and experience not only fitted him for public life, but made him conservative and a molder of public opinion, assisting him to a commanding position among his political associates, the statesmen of the nation.

Realizing that he is no more, that his position must be filled by another, his services lost to the nation, the representatives of the people, called here together in the National Legislature to honor his memory, can truthfully say of him: A soldier who pledged his life to the perpetuity of the Union, brave and noble on all occasions; a brilliant and able lawyer; a devoted friend; a safe counselor; a close and untiring student, possessed of a broad and logical mind; keen and interesting in debate, an orator of ability; a statesman whose record is a part of the history of this great nation, whose public life as soldier and statesman was honorable and beneficial to the country and creditable to himself. We can well afford to pause in our legislative work to pay a tribute of respect to such departed worth.

The history of this nation has grown important and rapidly during the past fifty years, and the late Senator DAVIS contributed his share, both as soldier and statesman, to its development, maintenance, and prosperity.

The name of CUSHMAN K. DAVIS will be dear to the hearts of the people for a long time, and it will remain forever preserved as a part of the history of this nation

through his efforts as a faithful, able public servant. His death was sincerely mourned by the people of the State of Minnesota, with whom he had lived so long and whom he had loved so well and had so honorably and ably represented in public life. Knowing his worth, they fully realized the difficulty of selecting his successor, and they chose wisely and well.

Regarding his death as a great loss to their State, in common with the people of the State of Minnesota, the people of Wisconsin mourn his departure and honor his memory, as they honored, loved, and respected him in life.

In common with the people of my State, I had known of the late Senator DAVIS, of Minnesota, for a number of years, but was never closely or intimately acquainted with him. At the opening of the Fifty-fourth Congress we were brought together by official duties and became reasonably well acquainted, and soon I began to have a high regard for his ability and his devotion to public duties.

A close reasoner, he never yielded to sentiment, and while maintaining due regard for the rights of all, the growth and advancement of the United States was paramount at all times, and with him to be convinced of the justice of a national measure was to be invincible. He was extremely valuable as a legislator, and it caused him no effort to execute his high obligations with vigilance and according to the highest standard of truth. Never once did he stop to inquire how his course in public life was going to affect his political standing, and he never prostituted the public good for party advantage or personal gain.

No words can be wasted in speaking well of the departed Senator, and I will cheerfully yield the balance of my time to those who can speak more in detail of the distinguished dead than myself, who were closer to him in life than I was, but who have no greater regard for his life and memory than myself.

Address of Mr. Tawney, of Minnesota.

Mr. Speaker: Centuries ago the immortal singer of Israel, in a passion of amazement and grief, exclaimed, "How are the mighty fallen! The glory of Israel is slain upon thy high places." And well he might weep, for the dead he mourned were "swifter than eagles; they were stronger than lions." Many generations have since then "joined that innumerable caravan that moves to the silent halls of death," but to-day a nation, numbering some ten thousand for every one of that ancient race, finds solace in its inimitable and inconsolable grief.

"How, indeed, are the mighty fallen!" A great crisis in the affairs of a splendid nation had been reached; new problems had been presented to her chief counselors for solution; she had but just launched out upon new and untried seas. No one feared; everyone looked onward into the future with rejoicing, for there, in the guiding position among those to whom the management of our foreign policies and to whom the formulation of our new domestic policies was committed, sat one profoundly learned in the histories and relations of the nations; one profoundly conscious of the spirit and of the powers of the American people.

He, together with his associates, would wisely and fearlessly face every difficulty and bravely meet and overcome every obstacle. He would suffer no disastrous measures nor unwise policies to be inaugurated or enforced by the land of his fathers and his pride. But, behold! while the nation unconsciously relied largely upon his knowledge, foresight, and wisdom, the mighty one has fallen. Strange it is that at the moment

when he was most needed, in the hour when he had risen to the sphere of his most brilliant usefulness, he should be removed, suddenly and almost without warning, from the scenes of his great power and lofty service, removed forever from the walks and haunts of men. He has joined the silent senate of the dead, and those who would still be guided by his wisdom must seek it in the dying echoes of his sympathetic voice.

Those accustomed to search among the affairs of nations for signs of an overruling Providence will strive in vain to reconcile such dispensations as this with the goodness and wisdom of God. The death of Senator DAVIS at this particular juncture in the important events which have recently transpired in our national history is, and must remain, a part of that inscrutable mystery of evil which has appalled and fascinated and illuded men from the first until now. Here, as always,

> We can but trust that good will fall,
> At least, far off, at last to all,
> And every winter change to spring.

This, in some ways, peerless hero of the hour; this foremost of all the sons of Minnesota; this friend, in soul larger than his kind, was first and chiefly a great intellect. He resembled every man far more than he differed from any, but such difference as there was between him and others can best be understood as a difference of thought, power, and knowledge. He was a mine in the service of his nation. He had no love for abstractions nor for the useless subtleties of speculative thought, but he loved the knowledge that comes from observation and study, the knowledge of fact which is the only proper ground of theory. In constitutional and international law, in national histories and diplomacy, he possessed a store

of sheer learning so vast that his colleagues and his countrymen had come to look upon him as an invaluable counselor.

In the power of grasping and analyzing complex international situations and in the rapidity and farsightedness of his diplomacy he had few equals and perhaps no superior. As one of the American representatives upon the Peace Commission at Paris, the brilliancy of his diplomatic tactics made him the center of interest both in Europe and in America. His work as a member of this body and its beneficent consequences to the millions inhabiting our newly acquired possessions will stand forever as one of the greatest achievements of any American statesman of his day and generation. In all the complications which have arisen by reason of our new acquisitions of territory, in all the discussions upon the question of whether or not the treaty by which this territory became the absolute property of the Union should be ratified, his knowledge and wisdom was relied upon by many of his colleagues in the Senate, as well as by a very large part of his countrymen.

So thorough was his habit of preparation, so complete and exhaustive all his powers of grasping details and weighing evidence, that many had come to accept his conclusions without investigation as being beyond dispute. And yet perhaps no American statesman of his day influenced and fascinated his countrymen so entirely by his intellect as did Senator DAVIS. He rarely ever appealed to sentiment, although he was not deficient in either pathos or humor, the twin children of sentiment. It was the subtlety and cogency of irresistible logic, the overwhelming comprehensiveness of his grasp of facts, on which he relied mainly in his efforts to influence the judgment of his colleagues and of his countrymen. It was these qualities that caught the attention and moved the judgment of others. It is perhaps not too much to say that he

possessed a genius for understanding legal principles and applying them to complex and difficult situations.

Owing to this predominant intellectuality, Senator DAVIS was not a man of petty pride nor ambition. He never labored for effect alone. There was a simplicity and directness about him which commended itself to everyone who knew him. He was retiring and studious, not forward nor vociferous, and as a consequence, while universally admired and trusted, he never sought to become a popular leader. Except to intimate and personal friends, he did not display the warmth of personal feeling and generous sentiment which appeals so strongly to the public heart and usually solicits a ready response.

This great man seems to have died without realizing the loftiness of that esteem in which he was held by the American people. The surprise and pleasure with which he received the innumerable expressions of interest in his welfare during the first stages of his last illness were at once beautiful and pathetic. At no time in his life was it possible for him to study his own powers, to rejoice in the brilliancy of his own achievements, or to gloat over the richness of his own knowledge like a miser over his gold. His chief interest and delight was always his fellow-men. From them he drew the riches of his wisdom; to them he devoted his services. A man's best wisdom always comes from his intercourse with his fellow-men, and no man realized this more clearly or felt it more keenly than did Senator DAVIS. "I believe a man's power," he once said, "is in direct ratio to his sympathetic understanding of the wants of the common people."

In his long and eventful political career this great man never once resorted to the arts of the demagogue; on the contrary, he more than once proved by word and act that his greatest interest was in the country as a whole. At the time

of the Chicago riots, when asked to support a certain resolution declaring that the detachment of Pullman palace or sleeping cars from mail trains should not constitute an offense against the United States, he said, among other things, in that memorable telegram:

> I will not support the resolution; * * * you might as well ask me to dissolve this Government.

The American people will not soon forget how this message brought them to a realizing sense of threatened danger theretofore unobserved.

He was a statesman who knew the principles of government upon which our nation's greatness rests. He was a director and counselor of leaders rather than a popular leader himself. Senator DAVIS was not, however, the man of narrow interests my words may seem to describe. He studied more subjects than the affairs of nations and the principles of law. He himself once said:

> The men who have achieved success are the men who have worked, read, thought, more than was absolutely necessary. * * * It is the superfluous knowledge that equips a man for everything that counts most in life. There would be fewer wasted opportunities if there was more real ability to grasp them when they present themselves. We can not have too much knowledge. I believe in superfluous knowledge. It is superfluous knowledge that differentiates us.

Senator DAVIS lectured on Hamlet and Madame Roland. He wrote a book on the law of Shakespeare—a book which is regarded as a great contribution to Shakespearean literature. Nor was he simply a reader of fine literature; he was also the master of a fine literary style. Wherever time and the occasion permitted he could summon to our delight the most beautiful English. One of my colleagues has said: "I think I never heard a speaker to whom it gave me more pleasure to listen." He rarely delivered an address which was not ennobled by his

imagination and sweetened by poetic fancy. He adorned every subject he touched in the treatment of which adornment was appropriate. As a public orator he was serious, earnest, and fair-minded. His wonderful lucidity and logical power were always persuasive, often irresistible. He was candid and earnest and displayed such an appearance of reserve power in his manner and style of address that all listened eagerly and acted promptly to his suggestions.

As a parliamentary orator he must be assigned a very high rank. He gave, perhaps, a more careful and systematic study to public questions, especially those involving our relations to foreign nations, than any of his associates, and came to every discussion in which he took part with elaborate and complete preparation. He could toil desperately. "I have slight faith," he once said, "in what they call genius." In such work DAVIS was apt, rapid, and skillful, possessing a rare power to readily absorb ideas and facts. In debate he was preeminently fair and candid, stooping to no unworthy advantage, making no personal allusions, appealing to no prejudices or passions. He was quicker to see the strong points of his adversary than to see the weak ones, and this gave to his arrangement of facts and arguments on his own side that weighty marshaling that made his hearers forget any lack of complete strength in his own position.

Senator DAVIS was not, however, a parliamentary leader. The qualities of candor, fairness, and sincerity, which made him so great, so convincing, and so admirable as an orator, did not tend to make him great as a parliamentarian. He was not one of those who stand and struggle for party whether right or wrong. He believed his party always right, but his soul's allegiance was to truth rather than to party. In the quality of his mind, in temperament, and in the form of his ambition, DAVIS was rather a statesman than a parliamentarian.

In the range of his life DAVIS was unusual. Born at Henderson, N. Y.; a university graduate at 19; a lawyer, in Waukesha, Wis., at 22; a first lieutenant of Wisconsin volunteers during the war; a lawyer in St. Paul; a member of the Minnesota legislature; United States district attorney; governor of Minnesota; delegate to the Republican national convention, 1884; United States Senator, 1887; chairman of the Senate Committee on Foreign Relations; American peace commissioner at Paris, 1898; delegate to the Republican national convention, June, 1900, and on November 28, 1900, gone to "the undiscovered country from whose bourn no traveler returns."

At his death he seemed to be entering for the first time on that great field of action for which all his life was a splendid preparation. Undoubtedly, had he lived but a few months longer, he would have signalized his name as never before in the service of his country, and brought newer and greater honors to himself, his State, and the world.

I always admired the great statesman for all the traits to which reference has been made; for all that will make his name immortal to his countrymen and to the world; and, possibly more than all, I admired him for his quiet manner, for his simple manliness, and for the kindly interest which he always manifested toward others, and especially toward the young men of the legal profession.

He thought purely, spoke kindly, acted generously; and were every one for whom he did some loving service to speak the word of love he feels, the earth could not contain the chorus and heaven would be filled with song.

Charity and toleration characterized his attitude toward all creeds and believers. Here was one who, through all the sunlight and shadow of life, loved justice, acted mercifully, and walked humbly with his God.

Address of Mr. Underwood, of Alabama.

Mr. Speaker: When we meet to mourn the loss of those with whom we have been associated in public or private life, it is but natural that we should forget the differences that at times, perchance, separated us, and remember those qualities of mind and soul that united us in our mutual endeavors, struggles, and undertakings; but in passing down the highway of life it is our rare good fortune at times to meet a fellow-traveler whose greatness of character and nobility of soul raises him above the ordinary contentions and jealousies of those about him, and whose purity of life and earnestness of purpose draws us close to him in the bonds of personal friendship, even while we are contending most earnestly for the accomplishment of different undertakings or the success of conflicting ambitions. Such a man was Cushman K. Davis, the late Senator from the State of Minnesota.

I can not say that it was my good fortune to know him intimately, and yet he was a friend of my father's, and I have known him from my childhood. My early recollections of him are vague and indefinite, but I shall ever remember the kindness and consideration with which he greeted me when I recalled my identity to him some years ago when I first came to Washington as a member of this House.

He was always kind and gentle to those with whom he was associated, evidently preferring, unless a sense of duty compelled him to act otherwise, to do injury to himself rather than hurt the sensibilities or put a stumbling-block in the way of those about him. This was one of the distinctions that singled him out from other men, and I know of no characteristic in

man that points more surely to the possession of nobility of character and purity of purpose than that which impels him to show consideration for others and leads him to acts of self-sacrifice.

And yet, with all his gentleness of character, no man ever doubted his personal and moral courage. He was not hasty in action, but when he once undertook the leadership of a cause there was never any question of his turning backward, and his associates knew that he would uphold and maintain the undertaking he believed in and championed with the desperate determination of a man who does not know how to surrender.

Senator DAVIS was born in New York State on the 16th day of June, 1838. A few months after his birth his father moved to a farm near Waukesha, Wis., and it was here that he spent the days of his childhood and early youth. At that time his home was on the frontier, which gave him those surroundings that have developed the qualities of earnestness of purpose and determination of character in many of our greatest men. He was educated at Carroll College and the Michigan University, from which he graduated in 1857 with a scholastic training that rendered him good service in the intellectual battles in which he was destined to engage in the time to come.

He was admitted to the bar in the State of Wisconsin in 1859, and practiced his profession until the beginning of the civil war, when he entered the Army as a first lieutenant in a Wisconsin regiment and served with distinction. Soon after the close of the civil war he moved to St. Paul., Minn., and began the practice of the law. He soon acquired a large practice, and at the time of his election to the United States Senate was regarded as the foremost lawyer in his adopted State.

He was a member of the legislature, United States district attorney, and governor of the State of Minnesota before he was

elected to the Senate in 1887, which position he held continuously from that time to the day of his death.

He served in every position to which he was called by his people with distinguished ability and an unfaltering desire to promote the welfare and happiness of those who had commissioned him to represent them.

His most notable service to his country was rendered as chairman of the Foreign Relations Committee of the Senate at the time of the declaration of war against Spain and as one of the commissioners appointed by our Government to negotiate the treaty of Paris at the close of hostilities in the late war.

Nature endowed him with an intellect of the highest order; industry gave him an education that far surpassed that of most of his associates; his frontier training, his service in the Army, and his experience as a successful lawyer and great advocate developed, broadened, and fully equipped him for the great tasks his country called on him to perform.

In the death of CUSHMAN K. DAVIS, not only his State but his country has suffered a severe loss. He was taken from us in the hour of his foremost success and greatest usefulness. Those who knew him will mourn the loss of a true friend; his countrymen will deplore the death of a learned and upright statesman, and history will make a place for him for the great achievements he accomplished.

Were a star quenched on high,
  For ages would its light
Still travel downward from the sky—
  Shine on our mortal sight.
So when a great man dies,
  For years beyond our ken,
The light he leaves behind him lies
  Upon the paths of men.

Address of Mr. McCleary, of Minnesota.

Mr. Speaker: "Death is ever, in my opinion, bitter and premature to those who are engaged in some immortal work. Those who live from day to day immersed in pleasure finish each day the whole purpose of their existence; while those who look forward to posterity and endeavor by their exertions to hand down their names to future generations, to such death is always premature, as it carries them off from some unfinshed design."

These words of Pliny the Younger seem peculiarly appropriate as an expression of the feeling of the nation that death came prematurely to Cushman Kellogg Davis. Death found him a member of the United States Senate, at the head of its great Committee on Foreign Relations, at a critical period of his country's history, in the midst of a work which he by common consent was better fitted than anyone else to continue and conclude in his country's interest. He was approaching, too, the harvest time of that generous fame toward which he justly aspired and in preparation for which he so long and honorably wrought.

He better and more clearly than almost anyone else understood the nature and magnitude of the international questions before the country, and it was not immodesty in him to recognize his own superior fitness to lead in their solution. It was in this spirit that in one of the last of his conscious moments he uttered the pathetic wish, "Oh, that I might live five years more for my country's sake."

In addressing the Roman populace on the occasion of Cæsar's funeral his friend Mark Antony said: "The evil that

men do lives after them, the good is often interred with their bones." And Griffith, in speaking to Queen Catharine relative to the death of Cardinal Wolsey, said: "Men's evil manners live in brass, their virtues we write in water." But it must be remembered, sir, that in each of these cases the speaker was addressing an audience hostile to the person whose praises he was about to speak.

The sentiment quoted constituted in each case an introduction calculated to disarm resentment toward the dead. It was in no sense intended by the poet as the statement of a general truth. He knew human nature too well and had too much respect for it, with all its infirmities, to ascribe to it such unkindness. More consonant with both the justice and the generosity of human nature is the maxim of the old philosopher, "De mortuis nil nisi bonum." From the bosom of the grave springs no feeling but "fond regret and tender recollection."

The principal events of Senator DAVIS'S life have been so admirably stated, in the exercises of the Senate some weeks ago and here to-day, that I shall not repeat them. I propose to speak of my departed friend as he impressed me and as I remember him.

I think of him most frequently as I so often found him—alone, apparently musing, quietly puffing his cigar, solace of his many hours. Often, finding him thus, in his committee room or elsewhere, have I felt a delicacy about breaking in upon his thoughts. But I can hear even now his cheery voice bidding me welcome and inviting me to be seated. And he was so entirely candid that I never doubted the sincerity of the welcome thus given.

It need hardly be said in this presence that Senator DAVIS was a man of scrupulous integrity. He trod no devious paths. While never loquacious, he was always frank. He had high

ideals of public duty. Elected to the legislature and to the governorship of the State and three times to the United States Senate, he never in any of those contests appealed to motives other than the highest.

Senator DAVIS was an exceptionally methodical man. That was one reason why he accomplished so much and with such apparent ease. It was his practice, for example, to reach his committee room in the Senate every morning promptly at 8.30. There he would meet his stenographer, read his letters, and indicate briefly the character of the answer to each. The answers to these letters he read and signed each evening at the close of the session of the Senate. He answered every letter that he received, and complied with every request, whether it came from rich or poor, if it was reasonably possible. Amid all his cares and weighty responsibilities, he was punctilious in the discharge of even the smallest duties and courtesies.

To private citizens who desired to see him on business, his injunction was, "Meet me in my committee room at 9 o'clock in the morning." And he insisted upon promptness on the part of those who wished thus to see him. This insistence was not due to pride or to an imperious will, though he had a proper and reasonable share of both. It was due to his recognition of the necessity for his transacting business promptly and systematically in order that all the numerous and important duties resting upon him might be possible of performance.

After disposing of his correspondence and receiving those who called upon him on official or other business, Senator DAVIS usually devoted the remainder of the forenoon to the study of the legislative matters in which he was interested. It thus became possible for him to spend in the Senate Chamber itself most of the time of the daily session, extending from 12 to 5, well prepared to meet its exacting duties.

Except in very rare and important cases he would not attend to business in the evening. His evenings were sacred to his family, his friends, and his books. He had the very sane notion that in most callings by proper management one can and should earn his living in the daytime. Even in the early days of his professional life, when he had the usual struggle which a young man of limited financial resources has to expect, he never took his law books or his cases home with him. No man cared less for the frivolities of society, but no man liked better to spend an evening with friends.

He was a lover of books. With Milton, he recognized that a good book is "the precious lifeblood of a master spirit, embalmed and treasured up on purpose to a life beyond life."

He was so fond of books that he did not like to borrow them. He wanted to own them. From time to time as means permitted he bought the books he liked. In his home in St. Paul and in his other home in Washington the walls of several rooms became lined with his precious tomes, many of them in elegant bindings.

In his library he spent, perhaps, his happiest hours. He could truthfully say:

> That place that doth contain
> My books, the best companions, is to me
> A glorious court, where hourly I converse
> With the old sages and philosphers.

And in this eternal court, "wide as the world and multitudinous as its days," what exalted companionship he chose and kept—in art, Shakespeare; in action, Napoleon! Making such choice where choice was free, he revealed his own inherent nobility.

Senator DAVIS was preeminently a student. It was entirely in keeping with his character and habits that each of his four

famous lectures on international law, delivered in October, 1897, to the faculty and students of the University of Minnesota, began with the words, "Mr. Dean and *fellow*-students." There was nothing of pretense or condescension in these words. They stand for two facts—his never-failing interest in young people and his never-ending studentship.

While he did not underestimate the importance of the achievements of science or fail to appreciate and enjoy many of the beauties of nature, he was not especially interested in natural science. For him it was indeed true that the greatest study for mankind is man. He took special delight, therefore, in history and literature.

In college he took the regular classical course, and never lost his faith in it as the best of all college courses for mental development. Speaking once to a bright young man, he said:

> Go and take a thorough classical course in college. Then come to me, and I'll make a lawyer of you.

In commenting recently on his life and work, the Philadelphia Public Ledger well said:

> He was a splendid example of the worth of the scholar in American political and legislative life.

He loved "the wisdom of the old days." He believed in what he himself so happily denominated "superfluous knowledge." His career demonstrated anew that knowledge is indeed power. His favorite evening recreation was reading. As the fabled Antæus, when thrown to the ground by Hercules, renewed his strength by contact with his mother, Earth, and rose up stronger for each new encounter, so our friend was wont, after each day's toil, to renew his strength and rekindle his inspiration by traveling "the green shades of Academus" and holding "high converse with the mighty dead."

He had a marvelous memory. But his ability to retain important facts and phrases was not simply a feat of memory; it was the faculty of a trained mind in properly disposing of his mental acquirements so that they might be available when needed. In this connection the words of his talented friend, Rev. Samuel G. Smith, of St. Paul, are suggestive and significant:

> In summing him up account must be taken of a power he had, in common with the greatest minds, of applying certain general conceptions to various fields of thought and life. His guesses were of more value than the painful researches of most men.

Senator DAVIS'S oratory was of the classic type, both in matter and in method. His speeches exhibit great breadth of comprehension and exquisite beauty of expression. They are marked by richness of imagery, copiousness of vocabulary, felicity of language, and grace of diction.

The exordium of an address delivered on the battlefield of Gettysburg on July 2, 1897, on the occasion of the unveiling of the statue erected by the State of Minnesota to commemorate the never-to-be-forgotten charge made there by the First Regiment Minnesota Infantry Volunteers on the 2d day of July, 1863, will serve as an illustration of his style:

> How lovingly Peace, enrobed in her imperial mantle of golden harvests, reigns over this delicious landscape! The refulgent armor of war now rusts beneath our feet. The cannon that we see here in position among the ranks which sleep in the invincible array of death are silent forever. Peace now holds an unbroken sway over our dear land. And yet thirty-four years ago to-day she fled affrighted from this scene. The fiery chariots of War were reaping here her fields and were gathering a harvest of men into that tabernacle of never-ending rest, wherein all grains and fruits and flowers and men and all living things must be garnered at last.

Senator DAVIS was a man of courage and resolution. A marked illustration of this was given in his famous telegram of about July 1, 1894. The country was in the midst of deep

business depression. Untold thousands of men were out of employment. A labor conflict of giant proportions was in progress. The strength of our institutions was being tested and anxiety was in the hearts of all men who loved their country. A resolution was introduced in the United States Senate the object of which was to allow strikers to stop all railway traffic, providing they did not interfere with the carriage of the United States mails. A committee, assuming to speak in the name of the workingmen of Duluth, wired Senator DAVIS requesting him to support the resolution. The message arrived after he had gone to bed. Without waiting to dress, and without seeming to have any anxiety but to do his duty, he wrote in pencil and sent back by the messenger an answer in which he unequivocally refused to support the resolution, saying:

> I have received your telegram. I will not support the resolution. It is against your own real welfare. It is also a blow at the security, peace, and rights of millions of people who never harmed you or your associates. My duty to the Constitution and the laws forbids me to sustain a resolution to legalize lawlessness. The same duty rests upon you and your associates. The power to regulate commerce among the several States is vested by the Constitution in Congress. Your associates have usurped that power at Hammond and other places, and have destroyed commerce between the States in these particular instances. You are rapidly approaching the overt act of levying war against the United States, and you will find the definition of that in the Constitution. I trust that wiser thoughts will again control. You might as well ask me to vote to dissolve the Government.

This message, instinct with the courage of a patriot and the kindness of a father, was published at once in all the newspapers of the country, and was everywhere regarded as "the word fitly spoken." Dread vanished. All felt safe on learning that so strong, so just, so gentle a soul was in the halls of power.

While his charity and loving-kindness were world-wide in

their embrace, Senator DAVIS was intensely American in his faith and affections. In the language of the New York Sun:

> The key to Senator DAVIS'S attitude on all important questions of domestic or foreign policy was his sincere and invincible belief that this Republic had always been adequate, and always will be adequate, to every emergency at home and abroad.

In the same tenor spoke the Chicago Times-Herald:

> No public man of the day looked to the future with greater confidence or had greater contempt for the bogy of imperialism than Senator DAVIS.

He knew that it is true of nations as of men that "to whomsoever much is given, of him shall much be required." He did not believe that, in the purposes of Him who holds the fate of nations in the hollow of His hand, this nation, "the heir of all the ages," was designed to live unto itself alone. The seventeenth and eighteenth centuries he saw as the period of its gestation and birth, and the nineteenth century as the period of its growth and development; and with prophetic vision he saw that in the twentieth century his country was to take up its burden of world-work.

Sweeping the ages with far-seeing eye, he witnessed the birth of man in distant Asia. He followed human migration westward into Europe, across Europe to the shores of the Atlantic, across that ocean to the eastern coast of America, thence across the continent to the Pacific, and now recently he beheld this country reach across the peaceful ocean and touch hands with Asia again. He knew the story of this world-encircling movement, the history of which is the history of the onward and upward march of civilization. And he felt that it was well for this, the youngest and strongest of the great nations, to return to the ancient home, like a young and prosperous man to the home of his mother, to share with her the fruitage of his labors and to give her of his strength.

Mr. Speaker, we knew him, we loved him, we have lost him. We miss him and we mourn him; but we mourn not as they who are without hope. We believe that—

> Since He who knows our frame is just,
> Somewhere, somehow, meet we must.

"At what employment would you have death find you? For my part I would have it in some humane, beneficent, public-spirited, noble action." Thus asked and answered Epictetus the Stoic. Had the question been put to him whose life and death we commemorate to-day, our departed friend would undoubtedly have answered in the spirit of the old Roman philosopher. And, sir, such was indeed the event. He was at his post of duty, serving his country and his kind, when "God's finger touched him and he slept."

Address of Mr. Clark of Missouri.

Mr. Speaker: It is in harmony with the eternal fitness of things that Missouri's voice should mingle with that of Minnesota in paying tribute to Cushman Kellogg Davis, because these two magnificent Commonwealths are bound together by a strong tie by reason of having been represented at the other end of the Capitol by the same man, that illustrious statesman and heroic soldier, James Shields, who was a major-general in two wars and the only man living or dead who was ever sent to the Senate of the United States by three different States.

That such a career as that of Senator Davis is possible in this country is one of the crowning glories of our free institutions. A farmer's son on the frontier, working with his own hands and proud of the fact; a graduate of a great university and an honor to it by reason of his erudition; a gallant soldier while still a youth; a leader at the bar of the Northwest, where competition is intense and merciless, first as a country lawyer, then as a practitioner in a great city; member of the legislature, United States district attorney, governor of his State at 36, an age at which most men are still struggling for a solid footing; thrice elected to the Senate of the United States, each time for a full term; chairman of the Committee on Foreign Relations, and one of the commissioners who negotiated the treaty of Paris, he died at 63, a time of life at which European statesmen are considered young. There is only one position in our system of government higher than that which he held, and many deemed the highest not beyond his reach.

From the bare list of his employments it would seem that he had no time for anything else; yet he managed somehow to reserve from his pursuits as a man of affairs leisure to keep up

his literary studies to such an extent that he became an accepted authority, and was universally recognized as lending a new glory to the character of "the scholar in politics."

His golden opportunity came to him within the last three years as chairman of the Committee on Foreign Relations, and he seized it with resolute hand and brave, unfaltering heart, thereby vastly increasing his fame.

In the years to come he will be remembered as a lawyer, soldier, scholar, statesman, diplomat, bibliophile; but his intense Americanism will form his clearest title to lasting renown and to the gratitude of his countrymen.

Shakespeare's dictum—

> The evil that men do lives after them;
> The good is oft interred with their bones,

is reversed in the case of Senator DAVIS. The good which he wrought in the closing months of his life—and it was a great good—will be referred to as a guide and inspiration by statesmen yet unborn in troublous crises involving the honor, the dignity, and the safety of our puissant and beloved country. The "Davis amendment" will constitute a landmark in our history as imperishable as the "Wilmot proviso." Verily, his works do follow him.

At the close of the long session of this Congress no member of either House seemed fuller of lusty life, of high resolve, of ennobling patriotism, than CUSHMAN K. DAVIS. Before the present session began his splendid career was closed.

> Death takes us by surprise
> And stays our hurrying feet;
> The great design unfinished lies,
> Our lives are incomplete.
>
> But in the dark unknown
> Perfect their circles seem,
> Even as a bridge's arch of stone
> Is rounded in the stream.

Address of Mr. Parker, of New Jersey.

Mr. Speaker: The loss of Cushman K. Davis is felt by the whole country, to which he belonged. He was in life and character the statesman. . As a soldier, at the bar, as governor, as Senator, and in high diplomatic functions that life was devoted to his country's service, for which he was fully fitted, not only by his experience and training, but by his learning, judgment, activity, will power, and that love of country that must be at the root of all.

Among his great contemporaries it is not too much to say that he was distinguished for the breadth and accuracy of his learning, his knowledge of law, of men, and of the affairs of state, his clearness of thought and expression, his force of character, and his always dominating patriotism. He had been a soldier; and war in all ages has done more than all the schools to make statesmen, because it teaches promptness, self-reliance, the need of looking ahead and of providing for emergency, and the knowledge of mankind. He was a thorough lawyer. As such soldier and lawyer and in his mastery of the art of direct and clear statement he reminds us strongly of the great judge whose memory we shall honor on John Marshall day.

He went right to the heart of every subject. His learning was for use, and never for ornament. While his studies were in the whole domain of the knowable, his recreation, we are told, was found in the works of Shakespeare and in the life of Napoleon. From Shakespeare he had learned the use of words, the unerring selection and employment of those edge tools of speech with which he was wont to dissect a subject in a

sentence. In the history of Napoleon he came face to face with the problems of modern civilization, amid the first rush of the new social forces, the sudden conflict between kings and people, tyranny and freedom, institutions and revolutions, and he found his pleasure in following the workings of that master mind, which, with all its shortcomings, resettled the laws and government, as well as the map, of Europe.

He was brave. He never served the time. He dared to speak his mind as he himself thought to be right. His words rang through the country when he warned citizens of his native State:

> You are rapidly approaching the overt act of levying war on the United States, and you will find the definition of that act in the Constitution.

In great matters of state he was trusted to lead. He drew the declaration of war with Spain, and he was the first named of the Senators on the commission that settled the treaty of peace.

He died in harness, when we hoped for him long years of usefulness and honor. He deserved well of the Commonwealth. Through life his motto seemed to be:

> Be just, and fear not:
> Let all the ends thou aim'st at be thy country's,
> Thy God's, and truth's.

Address of Mr. Heatwole, of Minnesota.

Mr. Speaker: Nations, like individuals, are sometimes called upon to pause at the threshold of the unknown and contemplate the lives and characters of their great men, who, by the force of their intellect and their indomitable will power, have achieved good fortune for themselves and inscribed their names in the temple of fame, who have led in the great battles of human progress, and by their broad comprehension have planned and accomplished a fuller and higher happiness for the people and a brighter glory for their country.

We pause to-day to pay honor to the memory of Cushman Kellogg Davis, late a Senator from the State of Minnesota, and to offer tribute to the life and character of a great man. It is with mingled feelings of sorrow and pleasure that I bring a heart's sincere homage and lay it on the altar of friendship in memory of a devoted friend, and say these words of one who has done so much for his country. After the splendid eulogies offered by his colleagues in the Senate Chamber little remains but to repeat their rehearsal of his many attainments.

During the years I knew Senator Davis I learned to love and respect him. I had opportunity to study his life and can testify to the grandeur of his noble character. Senator Davis went to the Northwest in early childhood with his parents, who were pioneers in the settlement of that great section, and who were among those who laid broad and deep the foundations of the mighty States of a then new country. Possessing rare gifts of intellect, young Davis made the most of his opportunities and acquired a broad and liberal education.

Early in his life came the great civil struggle. Mr. Davis, responding to the country's call, was among those who marched

to battle under the Union flag. For nearly three years, on many hard-fought fields, he attested his loyal devotion to his lofty conception of patriotism and love of home and native land. His life was simple and his manner gentle, but there was that heroic stuff in his make-up which led him to brave any danger and endure any hardship of camp or field when duty demanded. While he was one of the bravest and truest of those who fought for the Union cause, he harbored no bitter resentment against those who were in arms on the other side of that great struggle. His words have done much to cement that new Union which had its resurrection from the graves of fallen heroes.

Senator DAVIS was a thinker of the highest order, a great student—exceptionally fond of books; a man of lofty intellect, and cared more for learning than for display. He was thoroughly trained in the law, a deep and earnest student of history, and his mind was a complete storehouse of useful facts from which he could readily draw in any emergency. He was thoroughly versed in all questions of political economy and a perfect master in the intricate questions involved in international relations. Our country has produced few international lawyers of broader scope of intellect than that possessed by Senator DAVIS. He was broad enough to accord to other nations all the rights which they could justly claim, while guarding with an ever-jealous care the interest and honor of his own country.

During his service in the Senate many grave questions have arisen; many mighty problems have presented themselves, and many new duties and new responsibilities have come to the American people. Amid all the storms and passions of political discussions his mind was calm and his words were those of soberness and wisdom. When the clouds have been the darkest and hung lowest over the horizon of American enterprise, his mind

was bright and laden with a hope that looked above them and saw the calm, clear sky of prosperity.

Amid all disturbance, whether in the islands of the sea, in the war with Spain, or in the sad, dark hours of waiting and disaster in China, Senator DAVIS, as chairman of the Senate Committee on Foreign Relations and as a member of the Paris Peace Commission, exercised a wisdom and prudence that brought new glory to the American name and added new luster to the history and achievements of the Republic. As citizens of this great country we feel justly proud of the attainments of our people and of the place which the United States of America occupies among the nations of the earth. We are a glorious nation, and he whose memory we honor to-day was in the front rank of those who have done most to make it so and to point out to us the grand possibilities of the future.

The death of Senator DAVIS removes from us one of the truest of patriots and the wisest of counselors. As I have said before, many grave questions have arisen and many new problems of government, of human liberty, and of human destiny confront us. The war with Spain, or rather the result of that war, has brought new lands and new peoples to us for guidance and good government. The late troubles in China have brought the world to a full realization of the wider scope of American influence in the settlement of the world's problems. While these have added new glory, they have added new duties.

No nation ever had before it greater opportunities than are presented to us to-day. Duty calls us to bless these lands and peoples, recently acquired, with peace, happiness, and civil liberty. Shall this grand hope be realized? Shall human liberty rise from this last baptism of blood and fire to higher and purer realms and send forth a clearer and stronger stream to bless mankind, or shall it mark the downward turn of the

Republic and of human rights? These were the questions which Senator DAVIS had so much at heart. He gave much thought to them and their solution, and one can not estimate the loss we have sustained in his death.

Those who best knew Senator DAVIS realized that it was his highest aim to be among those who should lead our people to a higher destiny; and standing to-day, as it were, in the very presence of the dead leader, we should be inspired to the same patriotic devotion to duty, and as the representatives of the greatest nation of modern times should pledge ourselves anew to the great principles of human liberty which he so ably advocated.

Senator DAVIS was very dear to the people of Minnesota. He was exceptionally popular with the masses, and held in affectionate regard by them. They honored him by electing him to the highest offices within their gift. But to whatever post he was called he filled it with honor to himself and with the interests of the people at heart. Senator DAVIS belongs not alone to Minnesota, not alone to the West, but to the whole American people. He served his country and served it well; and, as the representatives of the people, we come to-day to crown him with the glory which he so well deserves.

He brought to the discussion and consideration of every public question a rare wisdom and profound scholarship that enabled him to look at every detail of such questions with the keenest insight, and to see clearly the effects of the adoption of certain policies. He had that rich gift of sound reasoning and plain speech which enabled him to set his own knowledge so clearly before others that they were convinced by the logic of his arguments and won over by the kindliness of his persuasion. His life will ever be a bright example, and his writings and speeches will live when he is forgotten.

With tender hands devoted friends have consigned his dust to earth, and we realize that a man of lofty character, sublime life, and dauntless courage has gone from us; but the influence of his life and character still lives in the hearts of his countrymen, and it has added to the great stream of mighty influence a force that will broaden in its effects on the world's course during future time. A true man, a kind friend, a wise statesman, a ripe scholar, and a noble patriot has passed away. "But so well had he performed life's work that when the summons came to join the innumerable caravan which moves to that mysterious realm he was so sustained and soothed by an unfaltering faith that he approached his grave like one who wraps the draperies of his couch about him and lies down to pleasant dreams."

Address of Mr. Spalding, of North Dakota.

Mr. Speaker: The State of North Dakota is highly honored by participating in these proceedings. Yet I realize that after the eloquent tributes that have been here paid to the memory of one of the greatest and most unselfish statesmen of the present generation, and in the light of his long career of usefulness just closed, nothing I may say can add to the high esteem in which for so many years he was held by the people of the Northwest, who knew him intimately, or by the people of the whole country, before whom he appeared as a commanding figure at a later date.

The people of Minnesota and those whom I have the honor to represent are very closely associated, not only geographically, but in occupation and industries. The two States were once parts of the same great Territory. The great cities of Minnesota are the natural market places for the products of the farms of North Dakota. The older and larger State watches with solicitude the record that is being made by her younger sister, and this feeling is reciprocal to a degree that is perhaps unknown in any other section of the country.

Hundreds, perhaps thousands, of my constituents were friends and acquaintances of Senator Davis, and they all watched with pride and approbation his distinguished career, rejoicing with the people of Minnesota at the honors which he brought that State and the nation. They recognized in him not a man who used his high trust to dispense patronage through the appointing power or who sought office as an end in itself. With him office was a means to an end, and the fact that his ideals were high and his aspirations noble made

contact with him inspiring and helpful. As a student of constitutional and international law he was patient and untiring, until in the end he became a recognized authority on these important questions at home and abroad and was able to render invaluable service to his country at a critical period in its history.

The man who is quick to recognize opportunity and, reenforced by courage and ability, has the disposition to embrace it and to fully meet all its requirements and responsibilities is the American—I may say the world—ideal of a statesman. Such a man was Senator DAVIS.

To most opportunities come only in the humbler walks of life; to some in local affairs, and only to the few is it given to open the door to achievement in national and international concerns. At rare intervals some are called to defend their native land upon the tented field. But rare indeed is the man who finds his sphere of action on all these stages, and still more rare is he who faces each with its resulting duty with such intelligence, fortitude, and courage as to come off conqueror. CUSHMAN K. DAVIS was one of these rare men.

Like so many of the men famous in American history, his boyhood was passed on the farm. To what extent he owed to the rigors and hardships of his early training his later intellectual vigor may not be known, but doubtless to a very great extent.

His school life barely passed when his country called to arms. The Republic, in whose service he was to spend so many noble years, was in danger. Though just beginning the practice of his chosen profession, he did not hesitate. He turned his back upon the allurements which that profession possessed for one of his talent and ambition and marched to war, where he served as a gallant soldier of the Union. What

an opportunity! What a beginning for a great career! I have no doubt, Mr. Speaker, that dearer to Senator DAVIS than any of the distinguished honors which subsequently were his was the memory of his humble service in camp and field in defense of the eternal principles for which that war was waged.

Mr. Speaker, statesmen and reformers may moralize concerning the iniquity and barbarism of war and the best means of promoting peace, but so long as human nature abides so long will wars come, and the pride of man find its chiefest gratification in military renown and in the acclaim which is so willingly accorded the martial hero. As a soldier Senator DAVIS performed a soldier's duty modestly, yet faithfully. In itself a military career had for him no attractions. His days of warfare over, he returned to civil life.

In the then frontier State of Minnesota that life was not without opportunity, and he at once entered upon a career that was to develop into magnificent proportions and show itself rich in capacity of the noblest and highest character. His analytical mind, studious habits, and faithfulness to every trust, combined with an intellectual culture that is seldom attained by men in active public life, soon gave him prominence at the bar.

From leadership at the bar he was called to the gubernatorial chair, and then to the United States Senate, where he served his country with enthusiastic devotion, combining the learning of the lawyer, the polish of the man of letters, the courage of never-failing conviction, the tact of ripening experience, and the wisdom of rapidly broadening statesmanship with the patriotism of one who, more than all else, loved his country. Upon these foundations he built a superstructure which has touched the clouds. His committee in the Senate was the committee of Sumner, Sherman, Mason, Hamlin, and

others of equal fame, but he held his high place with a dignity which honored both it and him.

High as the American people hold the names of his illustrious predecessors, none exhibited greater tact or wisdom than did the late Senator DAVIS. None were confronted with more intricate problems for solution, and none met them with a broader outlook for the future.

Mr. Speaker, it is one of the characteristics of human nature to forget the frailties and to enlarge on the virtues of our public men as the sphere of their action recedes. The world has changed since the days of the fathers. Steam, electricity, and kindred inventions and discoveries bring people closer together.

Many great statesmen of the past would hardly be recognized if living to-day and compelled to submit to modern social and political inspection. In their day the politician and statesman were viewed from afar, and the fact alone that one was a Senator was sufficient to surround him with a halo of glory.

To-day the merest nothings spoken by the politician, as well as the profoundest utterances of the statesman, are read in every hamlet as soon as uttered; greatness is not exaggerated as of old, and the statesman is recognized as human.

Senator DAVIS possessed many of the qualities of the statesman of former days and the additional and more exacting qualifications requisite in the modern statesman, and his talent solved the problems which he encountered quite as intelligently as did the wisdom of the fathers solve the problems of a former period. He was essentially the man for his time, and the world has gained because he lived in it.

Faithful as soldier, distinguished as governor, eminent as Senator, by his skill, wisdom, and foresight as a commissioner

and diplomat, he won fresh distinction for himself, reflected greater credit upon his State, and brought most lasting honor to his country, and, if accepted, most beneficial results to the islands of the sea.

His services will never be forgotten, and let us hope that, like that of the fathers, his record, too, will from year to year acquire added luster.

On behalf of the people of my State—his old friends and neighbors—I have thus briefly, and I know feebly, given expression to their sense of the great loss which the nation has suffered in the untimely death of Senator CUSHMAN K. DAVIS.

Address by Mr. Stevens, of Minnesota.

Mr. Speaker: All who knew Cushman K. Davis well realized his capabilities for usefulness to his State and to his country.

His life and career illustrated and formed a notable part of the progress and history of that section of our nation which nourished and ever loyally and proudly supported him.

Every locality has its peculiar development in moral and political influence and material progress. It generally has some personage who has led his fellows in their united action for the public good, freely used his life and talents for the common weal, and impressed his progressive ideals upon those who may be subject to his influence. The life and character, the labors, the power and fame of Cushman K. Davis seem to occupy such a position to the vast Northwestern section of our country.

Born of the sturdy stock of New England and northern New York, he inherited the keen intellectual capacity, the untiring mental activity, the fineness and thoroughness of culture, the lofty patriotic ideals which marked the distinguished of that powerful race. Removed in early youth to the northern frontier of our country, he was reared amid the privations, the struggles, and the successes of that environment. He acquired that spirit of helpfulness and practicability, of independence and largeness of view and purpose, that confidence in personal and public growth and triumphs, which have attended the development of the wonderful Northwest.

His education was received at its institutions, and he imbibed the love of liberty and the adaptation of the most generous

culture and the broadest learning to the amelioration of the condition of his fellow-men. With this equipment the young man commenced his life's work. When came the call to arms, he freely and quickly offered himself to the service of his country and performed his share in a modest, straightforward way in that awful conflict. At its close, broken in health, he again sought the invigorating climate of his beloved Northwest and became a citizen of Minnesota.

He entered fully and zealously into all the spirit of those stirring times. He performed his duties as a popular and public-spirited citizen, as an ever rising, learned, and influential member of the bar, and as an enlightened public official in whatever station he might be chosen to fill.

He was elected governor of Minnesota in 1874, when that State was agitated over the contest between the producing classes, with their hardships and burdens, on the one side, and on the other the vast transportation interests, hampered with unwise and unprofitable investments. He carried himself so safely and wisely that thenceforward the people believed in him as their champion and their leader, while the great business interests also realized his breadth, his wisdom, and his integrity as a statesman.

He entered the Senate of the United States in 1887, and at once concerned himself in those questions affecting the welfare of his people. The Dakotas possessed a population of emigrants from the eastern sections of the country and the northern nations of Europe. They had been accustomed to a large measure of self-government, and were most practical and progressive in adapting the forms and the spirit of the older institutions to the peculiar conditions which confronted them upon the vast prairies and mountains and forests of the West. Such a people needed self-government to properly

develop and direct their own affairs, and Senator DAVIS exerted his vigorous power, his influence and argument, and contributed greatly to secure the much-desired boon.

He realized, too, that the people of the Northwest could never reap the full reward of their exertions until their products should reach the markets of the world by the easiest possible route and at the least possible cost. So, his untiring efforts early directed the attention of the nation to the improvement of the lock and canal at the "Soo," in order that the vast commerce of the Northwest might pursue its natural pathway to the sea.

The splendid and beautiful cities of the lakes, the giant industries of commerce and manufacturing and transportation which center there, the happy and prosperous homes which fill the golden Northwest—have made its face to shine and its bosom to become the garden and granary of the world—should all yield their thankfulness to the farsighted and devoted statesmanship which in the beginning fostered and developed their richest blessings.

For ten years he served on the important Committee of Pacific Railroads, and his practical sense, his broad wisdom and faith in the future of his people and his country, his great abilities as a lawyer and man of affairs, were never exerted to better advantage than in working out the method of settlement between the Government and the Pacific Railroads, so that the people should lose nothing by their generosity and the growth of that vast portion of our country should not be checked by inaction and folly. Much of the credit for this splendid result belongs to the effective efforts of Senator DAVIS.

There was one great work of statesmanship of which he was always justly proud, and which should carry his name in grateful

remembrance to the numberless thousands of its beneficiaries. As chairman of the Committee on Pensions of the Senate he exerted his great skill and persistency in framing and enacting the dependent-pension act of 1890. Under its generous provisions, up to the 1st day of January, 1901, more than $600,000,000 have been disbursed among the needy and infirm veterans of the civil war and their widows as a token of the gratitude of a patriotic and appreciative people. Senator DAVIS was a veteran himself. He knew them and their conditions and their necessities, and to the last his love and labors were ever with his old comrades in whatever could be done for their assistance.

One of the acts which make his career conspicuous was his telegram to some of his Duluth constituents during the disturbances of 1894, calling their attention to the fundamental principles of our Government and the necessity for the observance of law by all true citizens. They then knew, and have ever since known, that Senator DAVIS was their devoted friend. He was always independent, sincere, and patriotic, and never truckled to selfish interests or paid allegiance to private power.

His love of country and its institutions, his deep knowledge of history and its philosophy, had convinced him that the forefathers in the centuries gone had suffered oppression chiefly because there had been no law, or observance of law, to which they could confidently appeal upon equal terms with the rich and the powerful; that the greatest safeguard to the toiler of to-day is the existence of constitutions and laws made by the chosen representatives of every man, guaranteeing rights which are enforced by tribunals established by the people themselves; and whoever overturns those laws, constitutions, and tribunals threatens the fundamental rights and liberties of every man who loves them, who prospers and depends upon them.

It required courage and patriotism to speak amid the tumult

of the hour, but Senator DAVIS always possessed these qualities in abundance.

The people of Minnesota can never repay fully the debt which they owe him for his services in the protection of their public-school fund. The original legislation granting to this great fund two sections in every township was passed upon the admission of the State to the Union; but during the last fifteen years or more the most constant attention has been required to prevent adverse legislation and construction. In Congress, in the courts, and in the great Departments Senator DAVIS has labored unremittingly, and throughout the years of the great future the youth of our State will enjoy the splendid provisions secured to them by the wise founders of our Commonwealth and protected by the devotion of our beloved Senator.

In this career of statesmanship Senator DAVIS kept pace with his people and his section of the country. As their influence and wealth and power extended, he, too, sought the broader domain of statecraft, and left his impress, potent and practical, upon the greatest national policies.

When President Harrison sought to acquire the Hawaiian Islands, in 1893, Senator DAVIS was one of his devoted champions.

And later, during the Administration of President McKinley, when it became necessary for the broad purposes of public defense and welfare to secure their possession, it was Senator DAVIS, with his wide knowledge of precedents and history, who chiefly devised the plan which resulted in the successful consummation. He was offered by President McKinley a place upon the Hawaiian commission, but was obliged to decline, since he was needed more as a member of the peace commission to negotiate and finally settle the treaty which ended the war with Spain.

No one in public life has recognized more clearly the tremendous effect of the Monroe doctrine and its application upon the manifold relations of our country with the other nations of the earth, and his powerful exposition of it at critical times has directed the attention of the world to the steadfast and commanding position of the United States and our guardianship of the broadest American interests.

He early foresaw the necessity of protecting our rights in the construction of the Nicaragua Canal, and his wisdom was recognized by the overwhelming voice of our people when the patriot who had conceived the amendments had departed to his fathers.

His knowledge of the commercial relations between this and foreign nations was unsurpassed. Years ago he discerned the importance of extending our foreign trade to insure the constant and profitable employment of our people, and then foretold that upon the Pacific Ocean and in the Orient would be the battle ground for the industrial supremacy of the world.

A forcible illustration of the wide influence and high regard of the opinions of Senator DAVIS upon international and legal questions was presented during the present Congress. When the bill for the encouragement of an American merchant marine was pending before the appropriate committees of the Senate and House, it seemed to the Senators and Members from the Western States that the interests of their section of the country and of the producing classes had not been sufficiently guarded, and that of necessity some provisions must be made to encourage the development of our foreign markets and improve conditions for the producers. So a plan was devised which required that every ship receiving assistance from the Government should carry on its voyage outward bound a cargo containing a due proportion of the products of our country.

This proposition was strenuously opposed by the proponents of the measure, and by their counsel, some of the ablest and most influential lawyers in the country, upon the ground that such a provision would violate the obligation of the various treaties between the United States and the several commercial nations.

Any benefits which might accrue through this measure to the producing classes of the country seemed to depend upon a proper solution of this problem. The question of legality was submitted to Senator DAVIS for his opinion, and, after a few days of examination and reflection, he forwarded a letter in which he stated that the proposition for a due proportion of export cargo was not a violation of any treaty provision and that such a plan would be valid and feasible.

The reception of that opinion changed the entire course of legislation. The eminent counsel ceased their opposition, and from that moment all parties have coincided in the validity and wisdom of such a requirement. This only illustrates the weight and influence which the opinion of Senator DAVIS carried in the highest councils of Congress and of the nation.

But his chief fame will probably arise from his patriotic and effective services during the long course of the dealings with Cuba; with the legislation and the various diplomatic relations during the war with Spain; with the settlement of that conflict and of the momentous problems which have arisen from its various phases, and with the mighty consequences of our concert with the other nations in the Orient.

The thirty years of the most severe and yet delightful study for him had borne the fruit of the distinguished and useful service for his country. For a generation he had pursued his chosen themes of international law—its history, its philosophy, its literature and development—as a recreation. Few possessed

this rare and ample equipment, and to but few are allotted the splendid opportunities of assisting in the birth and direction of policies and events which will have a large influence throughout all time upon the history of our country and probably of the entire human race. His patriotic labors, his illustrious career in these great transactions, need not be recounted here, but they fill a generous space in our history at a most important era. His countrymen all realize that his work was undertaken and carried through in the ideal spirit of patriotic devotion and in the broadest view of a lover of his fellow-man.

He was ever a strong and decided Republican, and never faltered in his allegiance to the party of his faith. Yet, in his thought and action upon momentous themes of national and international importance, he endeavored to bear himself as a patriot rather than a partisan; to examine them from the highest plane for the greatest public welfare, and to lift their consideration above the depths of petty and passionate discussion into the loftier and serener atmosphere of true statesmanship.

It is a misfortune for his popular fame that these great labors were principally displayed in the committee room, in the executive sessions of the Senate, in consultation with the leaders of the Administration, or in the deliberations of the Peace Commission. Yet their power has been manifest, and if the future shall unfold the richest blessings, as we devoutly hope and trust, upon all who dwell beneath the folds of our flag, none will have accomplished more for this beneficence than the modest, learned, and patriotic Senator from Minnesota.

The people of his State had unbounded admiration for his talents and capabilities, the utmost respect for his integrity and devotion to public interests, and the greatest love for him as a true and steadfast friend. No man had a more loyal and enthusiastic following. Unselfish and untiring, for a quarter

of a century they sustained him, because they knew what manner of man he was.

No one better appreciated such devotion, and he ever sought to express his gratitude whenever occasion offered. Sometimes criticisms have arisen because, in his recommendations for appointments, Senator DAVIS would not recognize the more recent political developments, but instead would stand by his old and true friends. Such criticisms never affected him or caused him to deviate from his determination. His friendship was one of the prizes of a lifetime, one of those features which help to make life complete and strengthen it for its arduous duties.

It was always a delightful hour for his friends when the strain and labors of the day were past. The relaxation with cigar and companion would come, and together they would wander with his keen, yet kindly, wit, with his ample store of the world's wisdom and his quaint learning, through the broad fields of poesy and history, philosophy and politics, and then reach the loving retreat of old time-tried friends. Here he always delighted to linger, and no longer could there be amazement that his friends were grappled to him with hooks of steel.

There are scenes of sorrow in our lives which impress so greatly that the finger of time only deepens and can never erase them. Such to me was the last interview with my friend.

It was late upon the Sabbath afternoon after the last election when he signified his desire to see me, as I called to inquire concerning his welfare. I was ushered into his apartment as the rays of the setting sun were illuminating his stricken features and suffering form.

With clasped hands he spoke of his gratitude for the election results and for the success of the party and candidates to

which he had contributed so much in his personal and official labors. Then his mind dwelt with his friends, upon their love and appreciation, their solicitude for him, and he wished for a little more time to carry through what he felt was his life's work and demonstrate that their trust and fidelity and love had not been misplaced. But tired nature ordained otherwise. At the height of his fame, in the zenith of his influence and his power, in the plenitude of blessings which made life dear, there departed this sagacious, just, and profound statesman and jurist; the learned and eloquent orator; the wise, patriotic, and public-spirited citizen; the kind and devoted son and husband; the generous, faithful, and lovable friend.

Address of Mr. Wm. Alden Smith, of Michigan.

Mr. Speaker: This day has been set apart in honor of the memory of Cushman Kellogg Davis, statesman, orator, publicist, and man of letters.

When he died the greatest mind, the most apt and ripest intellect that has been applied to foreign affairs during my career here, ceased to exist.

His grasp of important problems was herculean. He dealt with large topics and moved among spheres with a grace and ease unusual and unaffected.

With a manner so diffident and modest, a temperament so calm and well poised, a personality so engaging and yet so retired, his career here is an inspiration to the younger men with whom he served and a delightful memory to those of maturer years.

Mr. Speaker, how many of his associates knew he was a veteran of the civil war? And yet the record of his army life reveals a loyal soldier in one of the greatest crises of our time.

He was as modest in statesmanship as he was in war, and were we dependent upon his recital for knowledge of his work, the world would miss much that is real and significant in his life.

He was a master of international law, that subtle rule of nations, and none of his colleagues ever questioned his conclusions when formally expressed.

He was a diplomat in all that the word implies, bringing to the solution of great questions of state a discernment and tact rare and unequaled.

Senator DAVIS contributed to solve many of the most delicate and important questions growing out of the Spanish-American war, with an eye single to the country's honor, and with matchless constancy.

With all due respect for those associated with him in the work of the Paris Peace Commission, his masterful mind often led the participants in the final scene of that international drama out of vexed and trying ordeals to easy and apt solution.

He was modest in his habit, free from show or ostentation as it is possible to be. His form, seemingly intended for the sole purpose of supporting a large head and a large heart, was useless for parade. In a gathering of men of affairs he would be the last chosen for personified greatness. But let him once speak, and all the attractions of the others would fade suddenly away before his masterful and predominant mind.

Senator DAVIS was unconventional in manner, easily approached, kind, tolerant, and helpful to young men, all of whom loved him and listened with profit and delight to his quiet review of the great events through which we are passing.

As a man of letters Mr. DAVIS had few if any peers among the statesmen of his time. His literary instinct was most rare, and the pure and delicate shading of his sentences is to literature what the sweet and dainty perfume of the rose is to the flower.

He had a master mind, and in any field in which it was applied it was comprehensive and exhaustive.

Mild in manner, and in voice subdued. Simple in his desires. Unaffected as a child, tender and affectionate, bringing imagination and sentiment into the driest explorations, with a power to clothe thought in most inviting phrase. With him, law was poetry, and fact fiction, and each busy day a benediction,

night following with solace and reflection among his books and companions dear.

Nature was most kind when it gave CUSHMAN K. DAVIS to the world, and now that he has been taken away in the very zenith of his fame, at a time of greatest usefulness, the world is poorer, and the Government he defended on the field and in the forum has lost one of its mightiest pillars.

His words of wisdom will long rule us from the golden urn wherein his ashes are encased, and his public acts will illuminate these council chambers of the nation for years to come, while his splendid companionship and winning personality will ever linger, a loving inspiration.

Address of Mr. Morris, of Minnesota.

Mr. Speaker: Respect and veneration of the living for the dead have been characteristic of enlightened and civilized men from the remotest antiquity, even from a time long prior to that when Abraham purchased for 400 shekels of silver, as a burial place for Sarah, the cave of the field of Machpelah.

And this sentiment is creditable to the living. Its effect has been elevating and ennobling to the whole human race. It has given rise to those customs and observances which have been practiced by men of all ages and nations, from the simple ceremonial and plain gravestone which affection prepares for the humble and lowly to the funeral oration, the gorgeous pageant, and the splendid mausoleum which the honor and reverence of a people demand for those who have been distinguished above their fellows. Without it we should not have had some of the noblest and most priceless treasures of the past.

The lofty and mysterious pyramids, the tomb of Cæcilia Metella "with two thousand years of ivy grown," the massive and impressive castle of St. Angelo, the wondrously beautiful and delicately magnificent Taj Mahal, the Hotel des Invalides, the Albert Memorial, and innumerable others of those miracles of human genius and art given to us by the piety and reverence of the grand old masters all tell the same story. And it finds expression here in these parks and halls and corridors, where the heroic forms of those who have wrought for the honor and glory of our country in the days that are gone look down from their pedestals and inspire us by the memory of their deeds to patriotic devotion.

It is this sentiment which has established the custom under

which we meet to-day to give fitting expression to our sorrow and commemorate in some slight degree the virtues of the great public servant who has recently departed.

I am all too conscious that I shall not be able to add anything to what has already been so beautifully and appropriately said here and in the other Chamber as to the character and public services of Senator DAVIS, and yet I feel that I should not be true to myself or faithful to the people whom I represent if I did not say something, however inadequate it may be, to express their and my own admiration and love for him and for his memory.

The barest outline of his career in those paths which he followed, the profession of the law and the public service, would be sufficient to show that Senator DAVIS was not only a prominent man, but a great man, bearing always in mind and heart, and doing his part to exalt and preserve and keep unstained, the integrity and glory of his country, whether as an obscure though gallant and faithful subaltern in the military service or as the great chairman of the Foreign Relations Committee of the Senate.

Graduating from the University of Michigan at an unusually early age and coming to the bar as soon as he had reached his majority, he had scarcely begun to practice his chosen profession before he felt himself impelled, notwithstanding his delicate constitution, to answer the country's call to arms. Entering the service, he remained for two years, until the complete breaking down of his health compelled his resignation. Moving to St. Paul, he sprang at almost one bound to the leadership of a bar distinguished for its learning and ability.

It was almost impossible that one of his commanding talents should long remain in private life, and so we find him entering the public service and filling the positions of a State legislator,

United States district attorney, governor of the State, regent of the State University, United States Senator—three times chosen—and commissioner to negotiate with Spain the treaty of peace, of which he became the leading champion and defender until its final ratification by the Senate, and which is destined perhaps to mark the most daring and important step in the onward march and progress of this great Republic.

It is not my purpose to attempt to trace the causes of this brilliant career—his honorable and sturdy ancestry, his early environment and training, his studious and laborious habits, and all those things which are the sources and the accompaniment of greatness—or to measure its impress upon the country. I prefer rather to speak of Senator DAVIS as I saw him and knew him in the full maturity of his splendid powers. Living in a distant part of the State, I enjoyed only a slight personal acquaintance with him until I came to Washington as a Representative in Congress. When I went to Minnesota he was about to enter for the first time upon the stage of national politics, being about to be chosen to that great office for which more than ten years before he had striven and failed.

The legislature which first elected him to the Senate had already been chosen. It was generally conceded that he ought to be and would be elected, and in due course of procedure he was elected. His name was, of course, on every lip, almost universally in terms of praise. He was described as a great lawyer, a great orator, and as one who, if given the opportunity, would become a great statesman. But these were vague terms, conveying very indefinite meanings, largely dependent upon the taste and view point of the person using them.

Not long after that he came to Duluth to conduct the

trial of a very important case, and I then saw and heard him for the first time. I do not now remember the style of the case or the questions involved, but I am sure I shall never forget the man whose appearance in it attracted the attention and admiration of all present. A great many members of the bar, especially those who, like myself, had recently come to the State, attended in the court room to hear the trial. I remember his very manner of entering the court room and taking his place in the bar—quiet, modest, unassuming, and yet with a dignity denoting confidence and repose without vanity, noticing without exception his acquaintances, and greeting his friends with a quiet cordiality which at once explained the loyalty of their devotion to him, and the warm and evidently sincere expressions of esteem which they always used in speaking of him.

I shall not attempt to describe his conduct of the case. After it was over I walked down from the court-house with a lawyer friend, himself a man of learning and wide and varied culture. We talked of the trial and the man. We both agreed that in his deportment to the court, his examination of the witnesses, his statement of the law, and his manner of addressing the jury he represented the highest type of the profession—one who had explored and mastered the science and history of the law, and who while showing a perfect familiarity with the cases bearing upon the particular point involved, yet used those cases only to illustrate, enforce, and illumine the underlying philosophy and the fundamental principle.

We agreed that as an advocate he marshaled his facts and presented his arguments with a frankness and directness, a logic and power, and a wealth of illustration which were well-nigh irresistible. Neither of us knew his habits of study. I do not think either of us knew that he had written any book.

Neither of us had ever heard him deliver a lecture or had ever read one that he had delivered. And yet both of us noted the rare felicity of his language and his simple, direct, and exquisite style, without the slightest trace of pedantry or of an effort to display his learning.

The next time I heard Senator DAVIS speak was to an audience filling the stage and wings and every box and seat in the opera house at Duluth during the political campaign of 1892. Here again was the same wealth and power of argument, the same evidence of laborious study and careful thought, the same accurate knowledge of history and current events. While his voice was not strong, it had a peculiar quality which enabled him to be heard in the remotest corner of the theater, and there was in it a certain sweetness of modulation and tone which seemed to charm and subdue his audience as there fell from his lips those perfectly polished jewels of thought and expression.

He resorted to none of the tricks of the public speaker. He indulged in no flippant stories. He never seemed to lack for historical precedent and illustration. They seemed to come unbidden from the capacious chambers of his memory. He challenged no adversary's sincerity. If he resorted to ridicule he did so with a lightness of fancy and delicacy of touch that left no sting. He indulged in no bitterness. He was always self-contained and dignified, and even in his most glittering periods, while he spoke with the fervor of the orator, yet at the same time he exhibited the composure of the master.

He seemed satisfied to state his own and his party's position and the reasons therefor with all the strength he could command, and to leave it to the judgment of those whose voices were to decide. And when he concluded his hearers seemed to arouse themselves as it were from a beautiful dream, and go

away, if not entirely convinced, at least deeply stirred and quietly thoughtful. I do not remember to have heard any other speaker who gave me the same complete pleasure, and I well remember, as we rose to go, how the friend who sat next to me drew a long breath and said: "Simply splendid! Splendid! We ought to be proud of him."

I heard him again on the hallowed field of Gettysburg at the unveiling of the monument to the valor and devotion of the First Minnesota Volunteers. Surely none of us who stood there on that bright July day, with that peaceful and, as he expressed it, "delicious landscape," around us, can ever forget the scene or the beautiful and touching words he spoke to the battle-scarred veterans about him. Throughout all there was the glow of an ever-present and undying patriotism, but with it that spirit of generosity, forbearance, tolerance, and forgiveness which always mark the man of brave heart and noble mind. I shall never forget one sentence. I must give it here:

> The same earthquake force which opened that abyss closed it again, and we stand now, here and everywhere, upon solid ground—holy ground here—because it is a tomb where the hosts of valor and patriotism have "set up their everlasting rest." It is also a field of resurrection whence has arisen the genius of a restored Union.

Mr. Speaker, one unconsciously and irresistibly recalled the words spoken in the same place by that greatest of all, and we felt and knew that so long as such as he that spoke to us and those then about us shall live "government of the people, for the people, by the people shall not perish from the earth."

I heard him again, Mr. Speaker, at a banquet upon the eve of his departure for Paris to perform the final and crowning service of his public life. In the time since he had come to the head of the Committee on Foreign Relations events had crowded upon each other with a rapidity and variety, producing an international situation hitherto unknown, and thus opening to

him the opportunity for which he had been unconsciously in training throughout the whole of his studious life.

He had shown his wide and accurate knowledge of the diplomatic history of our country and his complete and thorough mastery of international law, and for a condition for which there was no precedent had created a precedent the soundness and wisdom and justice of which were universally recognized. He spoke with the same masterful force and strength and in the same brilliant style, somewhat tempered and subdued, I thought, by a keen and overshadowing sense of the responsibility which rested upon him.

His words evinced a full realization of the fact that the rapid and unparalleled successes we had gained and the absolute prostration of our adversary had brought with them great duties and obligations. He saw only too well that those duties and obligations might lead inevitably to a course and policy unknown and untried to us before, and which would give rise to wide and bitter differences amongst ourselves. There was that, however, about the bringing of the institutions of this young Republic of ours into active, potential, and quickening contact with the oldest empire of earth which seemed to appeal to his imagination and stimulate his daring mind.

He was too wise not to know the difficulties and perils that lay along the pathway, too farseeing not to know that problems would arise requiring for their solution years of anxious thought and patient endeavor. Yet, nothing daunted by these perils and problems, he spoke with an intense Americanism, with a sublime faith in the conscience and capacity of the nation, and with a love of liberty which would establish here and everywhere not its temporary and fleeting shadow, but its permanent and enduring substance. And there was not a man who heard him who did not believe that in the high

duty to which he had been called whatever he might do would be for the honor and glory of our country and the welfare of others, and that the nation would sustain him.

This, Mr. Speaker, was the man as I saw and heard him in his public life. As a lawyer, learned and profound. As a statesman, faithful to his ideals, studious in his habit, patient and conservative in council, self-reliant and bold in the hour of action. As an orator, logical, persuasive, eloquent, brilliant. One could not hear him often without knowing that he had walked through all the fields of classical literature, ancient and modern, that he had spent many hours in intimate companionship with Shakespeare, and that whether Christian or atheist, skeptic or believer, he had read with delight over and over again the Book of Job, the Psalms of David, the Sermon on the Mount, and the Gospel according to St. John.

As the crystal waters of the State he loved, as its name implies, catch and reflect every hue and tint of the skies above them, so his delicate and refined nature seemed to catch all that was beautiful in his wide horizon of history, literature, and poetry and reflect it back in the glowing imagery of his language.

Mr. Speaker, I shall always consider it one of the greatest privileges that I have ever enjoyed that when I came to Washington I was admitted to a close personal acquaintance and friendship with him. Here I came to know his charming and delightful personal qualities and to understand how he possessed the love and admiration of the whole State and the absolute devotion of his intimate friends, and why he was so universally esteemed in the great legislative body to which he belonged. No man was ever more loyal to his friends than he. Those that he had "and their adoption tried, he grappled them to his soul with hooks of steel." He was always frank

and open, gentle, kind, just, generous. He was always tolerant of the opinions of others, while no man was more tenacious of his own after they had been deliberately formed.

I never heard him speak evil of any man. It was always commendation or silence. He was one of the most modest men I ever knew. Indeed, he hardly seemed to appreciate the high place he held in the regard of the country. He told me once that he never made a speech that his knees did not tremble at the beginning, and those who have entertained him on his campaigning tours of the State have told me that he was so nervous at the meal just before the meeting that he could eat scarcely anything. He was always genial and agreeable, but never quite so much so as in his own library, before an open fire, with a good cigar. He told me once that in all his long years at the bar he had never had a law book in that library, and had never suffered business to be discussed there. That was a sacred precinct reserved for his friends.

I remember his saying to me, giving an affectionate glance at his books, "These are my friends—some of them the friends of my youth—and I have never found them wanting." Let it not be understood that he was one who made a display of his learning or of his reading. I never knew one who had less of that. He seemed to take an especial interest in young men. His law partners were young men. To those just entering upon their duties here he was particularly cordial and helpful, and was always ready to advise, encourage, and assist. Of this I have had personal experience, and I had come to have for him a real affection. Is it any wonder that such a man should have the love of those who knew him best?

As I stood at the grave in which he rests I could not help thinking how strange, how past finding out to our finite minds, are the inexorable decrees of Providence. There were yet

higher things which the people of his State had proudly hoped for him. And he himself with brave and worthy ambition had hoped that he might be spared to aid in the solution of those perplexing questions growing out of the great transactions in which he had borne so conspicuous a part. It was indeed sad and pathetic that he should be taken just at this time.

I remember some years ago, when Gambetta died, to have seen a picture representing the great French commoner as a sculptor, in working garb, with mallet and chisel falling from his nerveless grasp, lying dead at the feet of an uncompleted statue of the Republic of France. If I were called upon to depict the last sad scene in the drama of this man's life, I would represent him moving in answer to the summons of the grim specter, grandly and fearlessly, to "the silent halls of Death," yet casting one last, lingering, anxious, yet confident look at the starry flag of his country, shining, as he expressed it, "amidst the constellations of the Antipodes."

Mr. Speaker, the State of Minnesota will miss him. That great body of which he was so conspicuous an ornament will miss him. The country will miss him. And in the years to come the men who shall represent that Commonwealth can set for themselves no higher mark than that already made by CUSHMAN KELLOGG DAVIS.

Address of Mr. Gamble, of South Dakota.

Mr. Speaker: I feel I could not do less than at least add my presence on this occasion as a partial expression of my grief at the great loss to the nation in the death of the distinguished citizen of Minnesota. The notification to me was so recent, and my time has been so completely occupied since my return to the city, I have had no opportunity whatever to put in form the words I would be glad to express. Under the circumstances, Mr. Speaker, what I have to say will be brief. My admiration for Senator Davis was most high, and the people of my State had great appreciation of his splendid abilities and eminent statesmanship.

Aside from my personal regard for the deceased, especial reasons impel me to join with my colleagues in this memorial service. I recall a similar occasion some years since in the Senate. My brother, John R., was elected to the Fifty-second Congress. He died in the autumn of 1891, before taking his seat in this body. Among the eulogies pronounced on that occasion in his memory in the Senate none was more beautiful than that of Senator Davis. He spoke generous words concerning a noble and loving brother then. Can I now do less than drop a tear by the new-made grave of this noble and luminous spirit, and speak a kind word in his memory?

In addition to this, I can truthfully say the people of South Dakota greatly admired and loved Cushman K. Davis. They felt under special obligations to him. Years ago the people of the then Territory long struggled for recognition and to be admitted as a State into the Federal Union. We felt we were denied rights justly due us and guaranteed under the Federal Constitution. Every effort was made by our people with the

greatest earnestness and persistency, but Congress resisted every appeal and stood with deaf ear to our entreaties. We felt we complied with all the conditions to entitle us to statehood. Upon partisan grounds for long years we were denied either consideration or recognition.

At that time Senator DAVIS rendered us conspicuous service. He appreciated the aspirations of our people, and with his strong sense of justice came to our assistance. From the vantage ground of his position in the Senate he was most potential in promoting the cause of admission. He made one of the strongest arguments in our behalf when the matter was pending before that body.

We appreciated and loved him then. We admired him throughout his public life for his scholarship, his ability, his high purposes, and his patriotism. Great, noble, splendid soul, though of Minnesota, he belonged to the Northwest, and inspired it with his leadership, and he unstintingly had its admiration. Although the Northwest might claim him, his great talents or his fame could not be circumscribed. He belonged to the whole country, and his noble and generous manhood made him an ideal citizen of the Republic.

His life is a splendid study. Many beautiful and ennobling lessons have been drawn from it in our hearing here to-day. It is, and will be, an inspiration to the American youth. It gives substantial evidence of what may be accomplished in the highest sense under the rule of a republic. His aims were high, his purposes far-reaching, and with patience and industry he was willing to labor and to study, knowing in time the rich treasures he was gathering would serve him well in the years to come.

He did not mean that his life should be narrow. His studies were broad and his experiences comprehensive. His earlier and later training well fitted him for the extensive range and

application of his high qualities and abilities. From the nature of his training he was fully equipped for every duty he was called upon to perform. His life was a natural and orderly development through all its stages: A resolute and tireless youth; a patient and splendid student; a patriotic and noble young man, who offered his life as a sacrifice, if need be, to the integrity of his country; a wise and helpful citizen; a keen, well-equipped, and learned lawyer; a scholar, rich in the knowledge and experience of the world; a great executive of his adopted State; a legislator of conspicuous ability; a diplomat whose fame was not circumscribed by the limits of the Republic!

His services to his country were great. The people had unusual faith in his judgment. He was a patriot always, and had unbounded confidence in the destiny of the Republic. At no time in his public career did his wise counsel and splendid statesmanship seem so essential to his country as at the time of his decease.

He was easily a leader among the great men of the nation in helping to solve the momentous questions that came as a result of the recent war. The country looked to him as to none other in the Senate as being the real leader in their solution. By his researches, his learning, and high order of talents he was best equipped for that purpose. His statesmanship had been most potential in shaping our policy so far toward our new possessions. Had his life been spared he would have been in position to have rendered most conspicuous service in solving our definite and permanent relations with these new and distant peoples.

He had no misgivings for the future. He believed we had been led by a higher instinct and that the richness of the Orient was to be ours, not only for our civilization and our

munificent influences in government, but for the wealth of our commerce, the glory of our people, and to assert, where we rightfully should, our highest and plainest duty to the world and to ourselves.

CUSHMAN K. DAVIS will always be a conspicuous figure in a great epoch in our country's history. He led us, as I believe no other statesman led us, into the great pathway of our future destiny. And in his exalted position, in the very zenith of his power and of his usefulness and service to his country he loved so well, his light went out.

> Death takes us unawares,
> And stays our hurrying feet.
> The great design unfinished lies,
> Our lives are incomplete.

His life was well rounded, replete with unusual service, complete, however much we had hoped for his future. In the midst of his activity, his wealth of learning and his power, how much more pathetic and noble his death. Resolute, strong, wonderfully equipped, he was at the very forefront in statesmanship in his own land, and held high place in the estimation of Europe. He died in the service of his country and in the midst of his activities.

Mr. Speaker, how grateful we should be for such a life, such a noble inspiration to the youth of this great Republic, inspiring to them, helpful to us. He was a leader who had sublime faith in the nation's destiny. He pointed to the pathway which leads to the nobler and higher civilization in the world's work of the future, in which he believed this Republic was to take a conspicuous part.

We speak of him as a student, a scholar, a soldier, a patriot, a statesman, and a diplomat. Well may we honor the life, the character, and the memory of CUSHMAN K. DAVIS.

Address of Mr. Eddy, of Minnesota.

Mr. Speaker: A mighty man among the lawmakers of the nation has fallen. Words can not add to the luster of his fame; his achievements are a part of history, and mere speech can not add thereto or detract therefrom.

I shall not attempt to offer comfort to the bereaved hearts or bind up the broken spirits of those near and dear to him by the ties of kinship. God and time alone can perform this sacred office.

I shall only briefly portray the impressions that the brilliant Senator from Minnesota left upon my mind during a close personal and political acquaintance of more than twenty years.

Mr. Speaker, in the last half of the nineteenth century the United States has crowded greater and more momentous events into the history of humanity than all the other nations of the world in all the ages of the past. During this period our Republic has produced three noted men different from all other men and marvelously different from each other—Lincoln, Reed, and Davis. Lincoln, the greatest executive of this or any other country; Reed, the master parliamentarian of the ages, and Davis, unrivaled in the diversity of his information, unapproachable in his knowledge of international law, and unequaled in the realm of diplomacy.

Lincoln fell by the hand of an assassin immediately following his great work of liberation. Reed after impressing his personality and individuality upon the parliamentary bodies of the world, supplanting hoary precedent with modern common sense, piercing Fiction's armor of time, coated with the scales of centuries of prejudice, with the lance of progress, voluntarily

retired from an office "that has no equal and but one superior" to the quiet pursuit of his chosen profession.

DAVIS, who, after a long series of expanding successes, became the master mind in American diplomacy, dominating, almost unconsciously, it is true, but none the less dominating, the mighty minds that composed the peace commission and virtually created the treaty of Paris, which in the years that lie before will come to be regarded as one of the world's greatest triumphs in diplomacy, met death with that same calm, indomitable courage with which he had overcome every obstacle that confronted him in life.

It seemed to the people of the nation that these great gladiators were called from the public arena at the very time that their services were most needed; but may it not be that a higher than human wisdom directed it thus, that lesser achievements coming after might not dim the brilliancy of the greater?

I never regarded Senator DAVIS as a great leader of men in the popular acceptation of the term, but rather as a director of leaders—one who with marvelous preciseness mapped out the paths in which other and more dashing men led public thought and action. He was not the captain of the ship of state, but rather the pilot who stood at the wheel, to whom the captain looked for guidance and upon whose knowledge of the great ocean of current events he absolutely depended to keep the vessel in the true course of progress, that it might not be stranded on the shoals of misgovernment or wrecked on the rocks of disaster, and to whom he never looked in vain, for a complete chart of the past had he at his finger ends, and so keen was his knowledge of the motives that impel men and nations to action, and so accurate his conclusions as to what events would follow certain causes, that he read the future with almost prophetic power.

I well remember that six months before war was declared with Spain I was with him one evening in his library. He was sitting in an easy-chair in that characteristic attitude that those who knew him can so well remember, and gazing dreamily into the wreaths of smoke that arose from his favorite cigar. He cast a horoscope of the future and foretold great events that would soon occur, conditions that would arise, problems that would confront the nation, and results that would be accomplished with a correctness that I do not believe was ever equaled since the days when God spread the future like an open book before his chosen prophets and bade them read occurrences yet to come.

Although ordinary in appearance and weak of voice, he was an orator of first rank and power. He never resorted to the artifices common to most public speakers to gain approval. He seldom indulged in witticism, anecdote, sarcasm, or appealed to public prejudice to attract and hold his audiences, but he commanded the attention of the multitude by the beauty of his diction and the irresistible force of his logic, and when he had finished a subject there was little left to add by those who concurred in his views, and nothing at all to say for those who opposed his propositions.

He was original in conception, accurate in conclusion, and daring in execution. He eschewed beaten pathways of thought and proceeded in a way peculiarly his own, reasoning from the beginning to the end, and from the end backward to the beginning, or from the middle both ways, as best suited his convenience, for he was a veritable Napoleon in the domain of thought, and "Davising" a question has come to mean in our State solving it differently from other people, and always arriving at a correct solution.

He jumped at conclusions, but his was never the leap of

ignorant enthusiasm into the darkness, trusting to luck for a safe landing place, but the spring of the trained athlete who, knowing his own powers, has measured the distance with an eye of unerring accuracy, knows exactly how and where he is going to alight, and by which he cleared the chasms of difficulty and sped onward toward his goal, while others were compelled to laboriously bridge the same chasms with the timbers of experience and plod after him up the heights.

He was a tireless searcher after knowledge, and he loved to delve into the musty volumes of antiquity and garner the best thought and highest wisdom of the ancients in the tongues in which they were spoken, which he placed in the storehouse of his memory for future use. A master was he of current literature, in the law authority, in the arts and sciences an encyclopedia, and his ever restless mind, like the active wife in spring-time house cleaning, dug into cobwebby nooks, dust-covered crannies, and dark corners, carelessly passed by others, in his never-ending search for information.

He sought the secret of the insect, the flower, the leaf, and the blade of grass with the same avidity and delight that he solved great legal problems or mastered mighty national or international questions. His waking hours were hours of endless investigation, and I sometimes used to think that when he slept the physical man only reposed and the mental kept up its ceaseless search for cause and reason, and every fact that he had ever culled from any source and every conclusion he had ever reasoned out at any period of his life was always in easy reach of one of the thousand arms of his mind, and he came nearer knowing everything than any man I ever met.

But it was not as a gallant soldier, a learned counselor, a wise and sagacious statesman, or a skillful diplomat that those

who knew him best love best to think of him, but as a friend, for as a soldier, a lawyer, a statesman, and a diplomat he belonged to the nation; but he possessed that rare geniality of nature, kindliness of spirit, and magnetism of manner that caused each one admitted within the charmed circle of his personal friendship to feel that he existed only for his benefit and lived for him alone; and when the hearse bore him through the long lines of his fellow-citizens to beautiful Calvary Cemetery, where abide the dead, not only did the rich and powerful bow their heads in sorrow, but tears filled the eyes of those who sawed wood and washed clothes for their daily bread, and who had known him and loved him from his youth up. Truly can it be said, "The poor wept at his death." And the tear of poverty is the truest tribute to man's worth. The sorrow of the humble is always genuine; the grief of the mighty is often simulated.

Mr. Speaker, I would not for a moment have you think I considered him a perfect man, for he was not. He had his faults and failings, his weaknesses and his prejudices, that are as multitudinous in the statesman as in the man who labors on the street. Distinction and great ability do not create immunity from shortcomings. Statesmanship and Frailty are often brothers.

He loved little children, and they understood and loved him in return. They were drawn to him by that subtle fascination that only the gentle gentleman can exercise and the genuinely kindly hearted man can maintain. Man may be imposed upon by false friendship, but the little ones possess a God-given intuition that enables them to pierce the mask of hypocrisy and read the soul, and it is always safe to trust a man in any position that children love; and if the spirits of the departed know the things of earth, as I believe they do, the bunches of

common posies contributed by his little friends afforded him the sweetest pleasure of all the floral tributes that were offered in his remembrance.

Mr. Speaker, I shall not attempt to recount the achievements, list the accomplishments, or extol the virtues of this many-sided man. His record as a soldier is written with the pen of action on the hearts of those who touched elbows with him in those "times that tried men's souls," and with loving tenderness they will transmit it to their descendants; and the spoken record of affection ever has and ever will influence the world more than the written pages of history.

His sword of service, which he never wore for ornament and gladly laid aside when service ended, that rested upon his casket as it reposed in state in Minnesota's capitol, told to the people with the eloquence of silence what the dead soldier in his youth was willing to do, dare, and sacrifice for the country he loved; and of his wider—I will not say greater—services in the paths of civil life let the records in the archives of the State and nation proclaim. And when the sons and daughters of the North Star State, which claims him as its most distinguished citizen, shall erect for him a stately monument, more as an evidence of their love than as a tribute to his greatness, let there be inscribed on its base the simple word "DAVIS," and the world will know the rest.

And then (at 5 o'clock and 35 minutes p. m.) the House, as a further mark of respect and in accordance with its previous order, adjourned.

JUL 17 1950